

AD6237 C3A-132

P O Box 32200

Stockton Ca 95213

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK  
IN RE

General Motor LLC

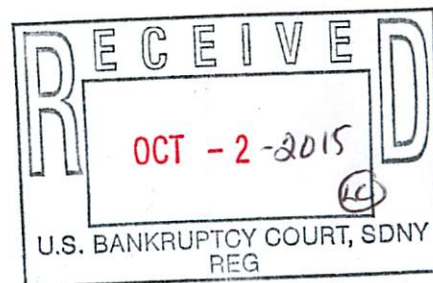
IGNITION switch litigation

Darryl Dunsen  
Plaintiff

v

General Motors et al  
Defendants

Case 09-50026 (REG)



Ex Parte Motion  
For Declaratory Relief

The New GM Attests and Declares it  
is not an accessory to any misconduct or  
crime committed by the old GM Defendants

Not by and ordered The Defendants to  
cooperate according to law with all  
Discovery requests by plaintiff to New  
Defendants (New GM) Per Penal Code 135  
of California

112 (103 Sct 1660 75 L ed 2d 675 S1rocl  
v Burns (1976) 427 US 347 373 (96 fct  
2673 49 L ed 2d 542 The Deprivation of  
The Constitutional Right will cause  
irreparable harm by contued suffering for  
a wrongful conviction of some one actually  
mocerit with continued incarceration

I Declare under penalty of perjury the foregoing  
is true

9/22/15 DJD-e  
2 of 2

Darryl Dinsmore  
AD6237 C3A-132  
PO Box 32200  
Stockton Ca 95213

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK  
IN RE

General Motors LLC

Case 09-50026 (REG)

IGNITION Switch Litigation

Darryl Dinsmore  
Plaintiff

v

General Motor Et al  
Defendants

Notice of Pending  
Related Case

Pending Case / 001123 GPC PCI  
Related Case / 9TH Cir Court of Appeals  
writ of Habeas

9/22/15 D-1/D-e

1081

Darryl Dunsmore

AO6237 C3A-132

Po Box 32200

Stockton Ca 95213

UNITED STATES ~~BANKRUPTCY~~ COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE

General Motors LLC  
Ignition Switch Litigation

Case # 09-50026 REG

Darryl Dunsmore  
Plaintiff

General Motors et al  
Defendants

objection to  
scheduling order

Introduction

This lawsuit pertains to Plaintiff's wrongful conviction in which plaintiff seeks Constitutional Mandated Discovery from Defendants as to which he has not been able to obtain concerning actual innocence claims in the Southern District of California Case 004193  
GPC-PCC

The Defendants have forced plaintiff to file a state tort Case 045638 Dunsmore v GMC (obel) Viking et al in Solano County COURT House State of California in order to secure constitutionally mandated Discovery to support his Claims of actual innocence in the 9th cir in order to obtain a COA and Brief the issues

Plaintiff objects to The schedule order because he is a Pro se litigant, incarcerated with Physical Disabilities requiring assistance to dress transfer Both it being extremely Difficult for plaintiff to timely pursue this litigation Exhibit A

Any argument concerning The late filing of this objection is mute according to Prison Mail box and That plaintiff did not timely receive The Demand Notice until 9/18/15 Due to transfer to a medical facility in California California Healthcare facility in Stockton Plaintiff should thus ~~Not~~ be bound to The terms of The scheduling order

Issues That should  
Be Presented To The  
Bankruptcy Court

This plaintiff's complaint is unique because the plaintiff is seeking exculpatory Discovery which is constitutionally mandated and interference in the pursuit of said evidence would be a manifest injustice of keeping an otherwise actually innocent individual incarcerated for a longer period.

That has been directly caused by the misconduct of General Motors Corp that fraudulently sold millions of defective parts endangering the lives of customers and the general public and when the company was finally rendered defunct by these fraudulent actions that bled the company of all financial stability except its brand name conspired with the New GM N/A Motors Liquidation Company to rid itself of massive liabilities through clever manipulation of rules of law contrary to the rules of Prof Conduct 3-210. The Attorneys knowingly assisted each other and solicited the violation of California Rules of professional conduct or State bar Act Bus & PC §§6000-6328, Cal Rules of Prof Cond 1-120 by concealing suppressing destroying and removing evidence of their fraudulent

Public and The plaintiff unknowingly  
solicited the Court to Assist in These  
illegal acts through clever Manipulation  
of The bankruptcy laws of liquidation  
in violation of The Cal Penal Code 11134-135  
Price v State bar (1982) 30 C3d 537-139  
179 CR 914

which The Attornys continue to ignore  
The Rule of Law Denying Plaintiff Constitutionally  
Mandated discovery causing this plaintiff to  
suffer a wrongful conviction and a lengthy  
stay of incarceration while plaintiff attempts  
to convince the Court of his actual  
innocence and the merits of his claims  
yaughting around The New York harbor  
and world while plaintiffs life has  
been completely destroyed by the Defendants  
Fraudulent acts and clever on ethical Manipulation  
of the rule of law Bus & PC 6068(d)  
Cal Rules of Prof Cond 5-200 (B) Di Sebastino  
v State bar (1980) 27 C3d 159, 162 CR 458

Despite The known plight of plaintiff  
Through Correspondance and litigation The  
Defendants continue to thumb their nose  
at the law and are indifferent to the  
harm they are causing plaintiff by

willful Concealment, Destruction and alteration of of evidence in the form of Documents of records that support petitioners claims of innocence and the Malfunction at The Vehicle which was erroneously Declared a weapon Due to the actions of The Defendants both new and old GM OWNERS as The simple sale of The Corporation Did not Void The Defendants responsibilities to reveal evidence of crimes committed. They are willing Co Conspirators, once They decided to destroy, Alter and conceal evidence They inherited in The sale of GMC Corp in The form of Documents which revealed The Massive fraud old GM committed.

The Defendants New GM can not argue they had no knowledge of alleged defective parts or that Documents may not have been exculpatory evidence as supported in Exhibit B GM Test drivers were aware of The ignition problems in 2006 Two Years prior to The Sale The NHTSA crash report made mention of The ignition problem.

The Defendants and Attornies could have reasonably argued against liabilities if they had chosen to reveal and disclose The nature of The fraud and defective



To The Courts Consumers and other Authorities

Chapter 11 does not relieve The New GM owners of liabilities if They fail in Their ethical and legal duties to disclose acts of fraud and other criminal conduct which they were aware of before the time of sale at the time of sale and after the sale

Nor of its responsibility to Release to Plaintiff the exculpatory evidence Detendants have knowledge of That would release Plaintiff of his wrongful Conviction and support his actual innocence claims That The Defective malfunctioning vehical not Petitioner was responsible for The incident hold petitioner incarcerated in Case 001193 GPC PCL Southern Distict of California

For these reasons The schedule should be Modified for This plaintiff as This Judges own opinion in Exhibit B P 14 cite 41 stating The Denial of relief would be Manifestly unconscionable what could be More so Then The continued incarceration of an actually innocent individual wrongly convicted because of The acts of Detendants to conceal exculpatory evidence The would relieve plaintiff of The wrongful conviction

I Declare under penalty of perjury the foregoing is True  
9/22/15 DdD - 6086

AD6237 C3A-132  
PO Box 32200  
Stockton Ca 95213

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE

General Motors LLC  
Ignition switch litigation

Darryl Dunsen  
Plaintiff

v

General Motor et al  
Defendants

Case 09-50026 (1786)

Memorandum of Points  
and Authorities in  
Support of objection  
to scheduling order

as supported by exhibit A plaintiff is  
severely disabled and requires daily assistance  
Physical incapacitation is good cause for ext and  
relief from the scheduling order People v Crovetti  
(1966) 65 C2d 199 53 CR 284

09-50026-mg Doc 13499 Filed 10/02/15 Entered 10/13/15 12:48:45 Main Document  
accordingly plaintiff is not entitled according  
Pg 11 of 81  
to prison mail box rule Horton v Lark 487  
US 266 273-76 108, 501 2379 (1988)

### liability

under California law once New GM acquired  
The assets and Documents of Misconduct of old  
GM They forfeit Their liability protection by  
Becoming Co Conspirators According Penal Code  
135 To Destroy and conceal Documentary  
evidence as The New GM Defendants in this  
case and were Accessories according to penal  
Code 32 help The alleged Principal of The  
Crimes old GM as defined in Penal code  
31 to avoid trial and Conviction of felonies  
Committed by old GM

New GM Actions were an Accessory is  
Defined by penal Code 32 and forfeited  
liability protection The New defendants  
New GM Continue to Violate California law  
of penal Code 135 by Concealing and refusing  
Destroying evidence of plaintiff's innocence  
in plaintiff's criminal wrongful Conviction  
Case 001193 - GPC - PCI If Defendants are not  
accessories to The Crimes of old GM  
Then They should immediately release all  
Exculpatory evidence and fulfill promptly  
all plaintiff Discovery requests

Plaintiff's Contentions re GM actions

Speak for themselves and That of Their legal representatives who believe they can deny petitioner his right to constitutionally mandated Discovery and claim they are exempt from old GM product liabilities while breaking state local and constitutional law to conceal exculpatory evidence or destroy it thereby revealing themselves as accessories to the principles crimes of old GM thereby nullifying liability protection by Bankruptcy

For these reasons the briefing schedule should be modified for plaintiff.

I Declare under penalty of perjury the foregoing is true

9/22/15 DHD

3 of 3

Darryl Donsman

AD6237 C3A-132

PO Box 32200

Stockton Ca 95213

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE

General Motor LLC

Ignition switch litigation

Darryl Donsman  
Plaintiff

v

General Motors et al  
Defendants

Case 09-50026 (REG)

Table of Content  
and Points and  
Authorities in  
Support of objection  
to scheduling order

People v Crowed. (1966) 65 Cr2d

199 53 CR 284 - - - - - )

Houston v Cack 48 Pg 14 of 81 266

273-76 los set 2379 (1988) - - - - - 2

California  
Pearl Code

PC 31, 32, 35 - - - - - 2

### Contents

objection - - - - - 6 pages  
Memorandum - - - - - 3 pages

### Lodgements

#### Exhibit A

Medical order for assistance - - - 6 pages

#### Exhibit B

General info on GM History - - - 6 pages

9/22/15 DAD -

AD6237 C3A 132

Po Box 32200

Stockton Ca 95213

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE

General Motors LLC

Ignition switch litigation

Darryl Dusenau  
Plaintiff

v

General Motors et al  
Defendants

Case 09-50026 (REG)

Lodgements in Support  
of objection to  
scheduling order

Exhibit A

"Medical order for assistance - - - 6 pages

Exhibit B

"General info on GM History - - - 6 pages

I Declare these lodgements to be true and  
accurate

9/22/15 DAD  
1 of 1

**DRAFT**

**REASONABLE ACCOMMODATION PANEL (RAP) RESPONSE**

RAP Meeting Date: 9/02/2015

Date IAC Received 1824: 8/31/2015

1824 Log Number: CHCF-C-15-02227

Inmate's Name: DUNSMORE, DARRYL

CDCR #: AD6237

Housing: FAC C3A-115 132

RAP Staff Present: ADA Coordinator J.A. Zamora, Custody Appeals Coordinator A. Infante, Doctor G. Williams,  
Health Care Appeals Representative, L. Donnelly, Registered Nurse M. Lowe

Inmate Interviewed: ☐ No ☒ Yes DPM, CCCMS

**Disability Access or Discrimination Issue:** SUBJECT STATES THAT HE IS HAVING DIFFICULTY IN TRANSFERRING, DRESSING OR ALTERATION OF CLOTHES WITH BUTTONS DUE TO HIS MEDICAL CONDITION.

**Interim Accommodations Needs Reviewed:**

☒ Interim Accommodation provided (List accommodation and date provided):

ON 8/31/15, MEDICAL STAFF TO ASSIST SUBJECT ON AS NEEDED BASIS FOR TRANSFERRING/DRESSING/OBTAINING ITEMS.

**Summary of Inmate's 1824 Request:** THE SUBJECT IS REQUESTING ASSISTANCE IN TRANSFERRING, DRESSING OR ALTERATION OF CLOTHES WITH BUTTONS, ASSISTANCE WITH PLACING SOCKS ON AND A THREE TIER SHELF.

☒ RAP is able to render a final decision.

**APPROVE WITH MODIFICATION**

ON 9/02/15, THE REASONABLE ACCOMODATION PANEL (RAP) HAS REVIEWED YOUR REQUEST. YOU HAVE BEEN APPROVED FOR A WHEELCHAIR ACCESSIBLE LOCKER.

ON 8/31/15, THE CHCF APPEALS COORDINATOR INTERVIEWED YOU, IN WHICH YOU REQUESTED ASISSTANCE WITH PULLOVER SHIRTS, REACHING DOWN TO PLACE SOCKS AND SHOES ON AND GETTING ITEMS FROM THE FLOOR/SHELF. YOU FURTHER STATED WHEN YOU WARM UP, YOU GET BETTER MOVEMENT BUT IN THE MORNING AND AT NIGHT IT BECOMES MORE DIFICULT TO MOVE. YOU STATED THAT THE OFFICERS DO ASSIST YOU AND THAT YOU ARE ABLE TO ACCESS PROGRAMS AND SERVICES WITHOUT CONCERN.

ON 8/31/15, THE CHCF APPEALS COORDINATOR INTERVIEWED CNA MOFOR. MOFOR STATED SHE ASSISTS YOU ON AN AS NEEDED BASIS. SHE HAS OBSERVED YOU MOVE IN OTHER ACTIVITIES SUCH AS FEEDING YOURSELF. SHE FURTHER STATED THAT SHE WILL INFORM OTHER STAFF TO ASSIST YOU IN THE INTERIM ON AN AS NEEDED BASIS.

**Additional information/instruction:** THE SUBJECT IS ABLE TO SAFELY ACCESS ALL PROGRAMS, SERVICES AND ACTIVITIES.

If you disagree with a health care decision made prior to or during the CDCR 1824 process, complete a CDCR 602-HC. If you disagree with any other RAP decision, complete a CDCR 602. Be sure to attach this document along with your CDCR 1824.

J.A. Zamora

ADA Coordinator

Signature

Date sent to inmate: 9/2/2015

Staff processing instructions: Does delivery of response meet criteria to establish effective communication? No

☒ Accommodation Order required:

☐ Request alleges non-compliance of the Armstrong or Clark Remedial Plans. Allegation logged on Accountability Log.

Distribution: Original - Inmate

Copy - 1824 File

Copy - Miscellaneous Section of C-File

Copy - Medical/Mental Health Staff



State of California

Department of Corrections and Rehabilitation

**REASONABLE ACCOMMODATION  
REQUEST**

CDCR 1824 (rev: ?/2014)

INSTITUTION (staff use only):

EC?  
Y/N

LOG NUMBER (staff use only):

CHCF- C-15-62227

\*\*\* TALK TO STAFF IF YOU HAVE AN EMERGENCY \*\*\*

Date Received by Staff (staff use only):

Do not use a CDCR 1824 to request health care or to appeal a health care decision. This may delay your access to health care. Instead, submit a CDCR 7362 or a CDCR 602-HC.

INMATE'S NAME (Print)

Dunsmore, D.

CDCR NUMBER

AD 6237

ASSIGNMENT

HOUSING

C3A-115

**INSTRUCTIONS**

- You may use this form if you have a physical or mental disability or if you believe you have a physical or mental disability.
- You may use this form to request a specific reasonable accommodation which, if approved, will enable you to access and/or participate in a program, service, or activity. You may also use this form to submit an allegation of disability-based discrimination.
- Submit this form to the Custody Appeals Office.
- The CDCR 1824 is a request process, not an appeal process. All CDCR 1824 requests will receive a response. Do not use an 1824 to request a response for a group of inmates. If you have received an 1824 decision that you disagree with, submit an appeal (CDCR 602, or 602-HC if disagreeing with a medical diagnosis/treatment decision).

**WHAT CAN'T YOU DO / WHAT IS THE PROBLEM:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**WHY CAN'T YOU DO IT:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**WHAT DO YOU NEED:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(use the back of this form if you need more space)

**Which of the following best describes your disability that caused you to file this request:**

- ☐ Difficulty walking or getting around    ☐ Difficulty seeing    ☐ Difficulty hearing    ☐ Difficulty talking    ☐ On kidney dialysis
- ☐ Difficulty using arms/hands    ☐ Difficulty learning    ☐ Difficulty thinking or understanding    ☐ Mental impairment
- ☐ Other Disability (briefly describe): \_\_\_\_\_

**DO YOU HAVE ANY DOCUMENTS THAT DESCRIBE YOUR DISABILITY?**

Yes ☐ No ☐ Not Sure ☐

(List and attach documents if available, including: 1845, 7410, 128-C): \_\_\_\_\_

I understand staff have a right to interview or examine me, and my failure to cooperate may cause this request to be disapproved.

**INMATE'S SIGNATURE**

**DATE SIGNED**

Assistance completing this form provided by: \_\_\_\_\_

Last Name

First Name

Signature

☐ IAP is not required as the CDCR 1824 contains  
no disability access or discrimination issues.

Person making determination

Title

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

**REASONABLE MODIFICATION OR  
ACCOMMODATION REQUEST**

CDCR 1824 (Rev. 10/06)

INSTITUTION/PAROLE REGION:

CHCF

LOG NUMBER:

CHCF-C-  
15-02227

CATEGORY:

18. ADA

**NOTE: THIS FORM IS TO BE USED ONLY BY INMATES/PAROLEES WITH DISABILITIES**

*In processing this request, it will be verified that the inmate/parolee has a disability which is covered under the Americans With Disabilities Act.*

INMATE/PAROLEE'S NAME(PRINT)

CDC NUMBER

ASSIGNMENT

HOURS/WATCH

HOUSING

Darryl Dunsmore

AD6237

C3A-115

In accordance with the provisions of the Americans With Disabilities Act (ADA), no qualified individuals with a disability shall, on the basis of disability, be excluded from participation in, or be denied the benefits of the services, activities, or programs of a public entity, or be subjected to discrimination.

You may use this form to request specific reasonable modification or accommodation which, if granted, would enable you to participate in a service, activity or program offered by the Department/institution/facility, for which you are otherwise qualified/eligible to participate.

Submit this completed form to the institution or facility's Appeals Coordinator's Office. A decision will be rendered within 15 working days of receipt at the Appeals Coordinator's Office and the completed form will be returned to you. If you do not agree with the decision on this form, you may pursue further review. The decision rendered on this form constitutes a decision at the FIRST LEVEL of review.

To proceed to SECOND LEVEL, attach this form to an Inmate/Parolee Appeal Form (CDC 602) and complete section "F" of the appeal form.

Submit the appeal with attachment to the Appeals Coordinator's Office within 15 days of your receipt of the decision rendered on this request form.

If you are not satisfied with the SECOND LEVEL review decision, you may request THIRD LEVEL review as instructed on the CDC 602.

**MODIFICATION OR ACCOMMODATION REQUESTED**

DESCRIPTION OF DISABILITY:

Ankylosing spondylitis Dysphagia

WHAT VERIFICATION DO YOU HAVE OF YOUR DISABILITY?

Medical Records, Outcome

Date

DESCRIBE THE PROBLEM:

I have a Ray Decision denying My Previous Requests for Alterations Stating That I will be provided Assistance when Requested Staff are refusing to Assist with dressing I'm unable to fully dress shirts sock due to loss of mobility in shoulders back hips knees I am unable to use locker properly all over floor etc get out bed.

WHAT SPECIFIC MODIFICATION OR ACCOMMODATION IS REQUESTED?

Need Alternate locker and assistance provided To occasionally transfer and Dress and undress as Ray previously Decided or Alteration of clothes with button and straps for socks etc

INMATE/PAROLEE'S SIGNATURE

DATE SIGNED

8/30/15

**REASONABLE ACCOMMODATION PANEL (RAP) RESPONSE**

**DRAFT**

RAP Meeting Date: 9/09/2015

Date IAC Received 1824: 9/4/2015

1824 Log Number: CHCF-C-15-02280

Inmate's Name: DUNSMORE, DARRYL

CDCR #: AD6237

Housing: FAC C3A-115 132

RAP Staff Present: ADA Coordinator J.A. Zamora, Custody Appeals Coordinator A. Infante, Doctor G. Williams, Health Care Appeals Representative, , K. Martin, D. Nelson; Registered Nurse M. Lowe

Inmate Interviewed: ☐ No ☒ Yes DPM, CCCMS

**Disability Access or Discrimination Issue:** SUBJECT STATES THAT HE IS HAVING DIFFICULTY IN TRANSFERRING, DRESSING OR ALTERATION OF CLOTHES WITH BUTTONS DUE TO HIS MEDICAL CONDITION.

**Interim Accommodations Needs Reviewed:**

☒ Interim Accommodation provided (List accommodation and date provided):

ON 8/31/15, MEDICAL STAFF TO ASSIST SUBJECT ON AS NEEDED BASIS FOR TRANSFERRING/DRESSING/OBTAINING ITEMS.

**Summary of Inmate's 1824 Request:** THE SUBJECT IS REQUESTING ASSISTANCE IN TRANSFERRING, DRESSING OR ALTERATION OF CLOTHES WITH BUTTONS, ASSISTANCE WITH PLACING SOCKS ON AND A THREE TIER SHELF.

☒ RAP is able to render a final decision.

**DISAPPROVED**

ON 9/09/15, THE REASONABLE ACCOMODATION PANEL (RAP) HAS REVIEWED YOUR REQUEST.

(DUPLICATE ISSUE REFER TO CHCF #CHCF-C-15-02227)

**Additional information/instruction:** THE SUBJECT IS ABLE TO SAFELY ACCESS ALL PROGRAMS, SERVICES AND ACTIVITIES.

If you disagree with a health care decision made prior to or during the CDCR 1824 process, complete a CDCR 602-HC. If you disagree with any other RAP decision, complete a CDCR 602. Be sure to attach this document along with your CDCR 1824.

J.A. Zamora  
ADA Coordinator

  
Signature

Date sent to inmate: 9/9/2015

Staff processing instructions: Does delivery of response meet criteria to establish effective communication? No

☐ Accommodation Order required:

☐ Request alleges non-compliance of the Armstrong or Clark Remedial Plans. Allegation logged on Accountability Log.

Distribution: Original - Inmate

Copy - 1824 File

Copy - Miscellaneous Section of C-File

Copy - Medical/Mental Health Staff

State of California

Department of Corrections and Rehabilitation

**REASONABLE ACCOMMODATION  
REQUEST**

CDCR 1824 (rev: 7/2014)

INSTITUTION (staff use only):

EC?  
Y/N

LOG NUMBER (staff use only):

CHCF-C-15-02280

Date Received by Staff (staff use only):

\*\*\* TALK TO STAFF IF YOU HAVE AN EMERGENCY \*\*\*

**Do not** use a CDCR 1824 to request health care or to appeal a health care decision. This may delay your access to health care. Instead, submit a CDCR 7362 or a CDCR 602-HC.

INMATE'S NAME (Print)

Dunsmore, D.

CDCR NUMBER

A06237

ASSIGNMENT

HOUSING

C3 A-115

**INSTRUCTIONS**

- You may use this form if you have a physical or mental disability or if you believe you have a physical or mental disability.
- You may use this form to request a specific reasonable accommodation which, if approved, will enable you to access and/or participate in a program, service, or activity. You may also use this form to submit an allegation of disability-based discrimination.
- Submit this form to the Custody Appeals Office.
- The CDCR 1824 is a request process, not an appeal process. All CDCR 1824 requests will receive a response. **Do not** use an 1824 to request a response for a group of inmates. If you have received an 1824 decision that you disagree with, submit an appeal (CDCR 602, or 602-HC if disagreeing with a medical diagnosis/treatment decision).

**WHAT CAN'T YOU DO / WHAT IS THE PROBLEM:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**WHY CAN'T YOU DO IT:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**WHAT DO YOU NEED:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(use the back of this form if you need more space)

**Which of the following best describes your disability that caused you to file this request:**

- ☐ Difficulty walking or getting around    ☐ Difficulty seeing    ☐ Difficulty hearing    ☐ Difficulty talking    ☐ On kidney dialysis
- ☐ Difficulty using arms/hands    ☐ Difficulty learning    ☐ Difficulty thinking or understanding    ☐ Mental impairment
- ☐ Other Disability (briefly describe): \_\_\_\_\_

**DO YOU HAVE ANY DOCUMENTS THAT DESCRIBE YOUR DISABILITY?**

Yes ☐ No ☐ Not Sure ☐

(List and attach documents if available, including: 1845, 7410, 128-C): \_\_\_\_\_

I understand staff have a right to interview or examine me, and my failure to cooperate may cause this request to be disapproved.

**INMATE'S SIGNATURE**

**DATE SIGNED**

Assistance completing this form provided by: \_\_\_\_\_

Last Name

First Name

Signature

☐ IAP is not required as the CDCR 1824 contains no disability access or discrimination issues.

Person making determination

Title

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

**REASONABLE MODIFICATION OR  
ACCOMMODATION REQUEST**

CDCR 1824 (Rev. 10/06)

INSTITUTION/PAROLE REGION:

LOG NUMBER:

CATEGORY:

CHCF-C-15-02280

18. ADA

**NOTE: THIS FORM IS TO BE USED ONLY BY INMATES/PAROLEES WITH DISABILITIES**

*In processing this request, it will be verified that the inmate/parolee has a disability which is covered under the Americans With Disabilities Act.*

INMATE/PAROLEE'S NAME(PRINT)

CDC NUMBER

ASSIGNMENT

HOURS/WATCH

HOUSING

Dunsmore

AD6237

C3A-115

In accordance with the provisions of the Americans With Disabilities Act (ADA), no qualified individuals with a disability shall, on the basis of disability, be excluded from participation in, or be denied the benefits of the services, activities, or programs of a public entity, or be subjected to discrimination.

You may use this form to request specific reasonable modification or accommodation which, if granted, would enable you to participate in a service, activity or program offered by the Department/institution/facility, for which you are otherwise qualified/eligible to participate.

Submit this completed form to the institution or facility's Appeals Coordinator's Office. A decision will be rendered within 15 working days of receipt at the Appeals Coordinator's Office and the completed form will be returned to you. If you do not agree with the decision on this form, you may pursue further review. The decision rendered on this form constitutes a decision at the FIRST LEVEL of review.

To proceed to SECOND LEVEL, attach this form to an Inmate/Parolee Appeal Form (CDC 602) and complete section "F" of the appeal form.

Submit the appeal with attachment to the Appeals Coordinator's Office within 15 days of your receipt of the decision rendered on this request form.

If you are not satisfied with the SECOND LEVEL review decision, you may request THIRD LEVEL review as instructed on the CDC 602.

**MODIFICATION OR ACCOMMODATION REQUESTED**

DESCRIPTION OF DISABILITY:

Ankylosing Spondylitis

WHAT VERIFICATION DO YOU HAVE OF YOUR DISABILITY?

Medical Records

DESCRIBE THE PROBLEM:

I was told by Appeal Coordinator I would receive interim accommodations of 3 tier locker assistance but staff were not informed or provided Record of said action

WHAT SPECIFIC MODIFICATION OR ACCOMMODATION IS REQUESTED?

inform custody medical of interim accommodation provide Record so I receive interim accommodation

INMATE/PAROLEE'S SIGNATURE

DATE SIGNED

9/3/15

The massive ongoing recall of General Motors vehicles with faulty ignition switches (and the dozen years the company spent *not* issuing a recall) has made headlines, launched lawsuits, angered legislators, but many consumers who don't own a recalled car have shrugged and said, "Glad I don't drive one of them."

One small defect in a part that controls a car's ignition switch: that's what's at the root of a massive car recall linked to at least thirteen deaths. The cars all came from General Motors brands sold for most of a decade — and as we now know, someone, somewhere knew about the fatal potential of that defect for as long as it existed. The ignition switch problem affects everyone who drives a GM car. But the way that the defect was allowed to remain in the production line for so long affects nearly everyone who drives or shares roads with cars — whether you've ever set foot in a GM vehicle or not.

The GM ignition switch recall started in February with an announcement about 778,000 compact cars. Over the months since then, the recall list has expanded to include about 2.6 million Saturn Ion (2003-2007), Chevrolet Cobalt (2005-2010), Chevrolet HHR (2006-2011), Pontiac G5 (2007-2010), Pontiac Solstice (2006-2010), and Saturn Sky (2007-2010) vehicles. (GM has also recalled another three million cars this year for other, unrelated issues.)

#### MORE THAN JUST A RECALL

The recall, though, isn't just a recall. It's led to an investigation that has shown that GM and the National Highway Traffic Safety Administration (NHTSA) were, between them, peripherally aware of the defect for over ten years. Let's take a quick, summary review of key moments in the timeline of events:

- 2001-2002: The first report of a switch problem shows up in pre-production notes for the 2002 Saturn Ion.
- 2005: GM realizes the Chevy Cobalt has a problem with the ignition switch and opens repeated engineering inquiries, but takes no action.
- 2006: GM test drivers become aware of the ignition problem. GM makes some repairs, but mixes older, defective part and newer, improved part under same item number, causing years' worth of confusion.

.2007: A NHTSA crash report makes mention of the ignition switch turning itself off. NHTSA proposes opening an investigation, but decides not to.

.2010: After more accidents and deaths, NHTSA once again considers, but then decides against, opening a formal investigation.

.2012-2013: GM internal testing finds that no, really, these ignition switches are broken.

.2014: GM finally issues recalls due to the faulty part, totaling roughly 2.6 million vehicles.

At least 13 people were killed (and possibly more) due to this particular defect in that 13-year span, and dozens of other drivers complained about it. But between the start of the problem in 2001 and the enormous and very public recalls in 2014, a few things changed at GM. And by "a few things," we mean "everything."

GENERAL MOTORS IS DEAD. LONG LIVE GENERAL MOTORS.

The early years of the 21st century were not among GM's best. It's easy to see why a GM at the time was so desperately concerned with cutting costs wherever possible: after a high point in 1999, their annual sales numbers began to drop slowly but steadily from 2000 onward. They posted significant losses in 2005, 2006, and 2007, and so were already off to a rough start in 2008.

Then came, well, 2008 — a now-infamous year of domestic and international economic crisis. In the space of less than a year, everything tanked: the housing market collapsed, giant megabanks began flailing wildly, energy prices jumped, and the automotive industry found itself in dire straits.

The combination of a less-than-great half-decade and an international near-collapse of the industry was a one-two punch that GM couldn't withstand. In Nov. 2008 the company announced that without drastic action, they'd be out of cash and out of business by the middle of 2009.

Ford, Chrysler, and GM all testified before Congress in Dec. 2008 to the effect that the U.S. car industry, that most American of industries, was going to collapse in on itself without an infusion of federal bailout cash. Congress declined to hand over money, but GM did get a "bridge loan" from the Bush administration to keep it afloat while a longer-term solution

could be worked out.

Between Dec. 2008 and March 2009, things failed in any way to get better for GM as they kept moving through a back-and-forth of proposed business plans to and with the federal government. On March 30, 2009, the Obama administration announced that the government would not be handing GM a mountain of cash, but that a detailed restructuring plan including Chapter 11 bankruptcy had been worked out in order to save the company. GM officially filed for Chapter 11 reorganization in a New York court on June 1, 2009.

Under the terms of that Chapter 11 filing, a new corporate entity called NGMCO Inc. — the “new” GM corporation — purchased all of GM’s “continued operational assets.” As part of the terms of sale, NGMCO, Inc., changed its name to “General Motors” and kept all of GM’s brands, logos, and trademarks. In one fell swoop, GM ceased to be GM, the troubled corporation with a pile of liabilities, and became GM, the newer, leaner corporation that conveniently left all its liabilities sitting in a trash heap near the door when it walked out.

As for that mess next to the door, the “Old GM” still had to clean it up. Having let the New GM walk off with its name and branding, the remnants of Old GM became the Motors Liquidation Company. That company has been working its way through the bankruptcy, liability, and debtor process ever since.

The New GM, about 60% owned by the U.S. Department of the Treasury, promptly shed jobs, dealerships, manufacturing facilities, and car brands. (Remember Pontiac, Saturn, Hummer, and Saab?) And most critically, they also shed liability for anything they did back when they were still the original GM.

#### LEAVING BEHIND THE BLAME

Several states’ attorneys general, perhaps having a collective moment of clairvoyance, filed an objection to the liability exception part of GM’s bankruptcy agreement, saying that potential later accident victims could lose “key legal rights” if it went through. (The Wall Street Journal ran a detailed explainer of the relevant legal aspects back in 2009.) Under the pressure, GM eventually agreed to somewhat expand the scope of its liability to accident victims.

The gist of the change meant that, “[C]onsumers driving old GM cars who



get in accidents during GM's several weeks in bankruptcy court, or after the new GM emerges, will be able to sue new GM."

At the time, then-Connecticut Attorney General Richard Blumenthal, one of the attorneys general who filed the objection, said:

*"This agreement captures a very significant group of claims that wouldn't have been covered and is a very significant victory for consumer advocates. It may seem symbolic, but it will be very real and important to people who suffered injuries during this period of time, and it sets a highly significant precedent."*

That GM product liability pact is now front and center in the wake of the recall. GM is trying to get lawsuits against it held on the grounds of the restructuring, claiming liability protection.

Former Connecticut AG Blumenthal is now United States Senator Blumenthal, and he's no less concerned about the new GM's liabilities for the old GM's actions than he was in 2009. In late March, he pressed the Justice Department to make sure that GM stays liable for GM's actions. At the time, he told Consumerist, "There is a very powerful legal and moral responsibility on the part of the federal government to intervene here. They enabled GM to emerge from reorganization with very extensive protections from legal responsibility for the death, injuries, and damage their defective vehicles caused."

NOW WHAT?

Well, that's really the billion-dollar question.

It will take months, if not years, for the Justice Department to carry out its criminal investigation and determine if charges are warranted. Getting the various civil suits sorted out will probably take even longer still. GM, in some way, will need to compensate the car owners, accident victims, and surviving families of those who were killed due to this error. That complicated question of how much legal liability GM actually bears for their own error and cover-up will be a key factor in every proceeding.

But the most pressing question for the future isn't about GM at all.

Although this recall is massive, and GM's particular tie to American taxpayers and the federal government is at play, this defect and this question of liability aren't the central issues we're facing.

Instead, the real problem that the GM disaster has brought to light is that

nearly 250 million registered cars on the road in the United States... and 51 ODI employees to make sure that we all stay safe around them. Of those 51 employees a little over half are investigators, Bloomberg reports. It makes for a ratio of about 8.6 million cars on the road for every defect investigator NHTSA has. The agency also receives more than 40,000 consumer complaints per year — and of course, not every consumer who has reason to make a safety complaint ever bothers to do so. NHTSA's 2015 budget for investigating defects is about \$10.6 million, and it's been in that \$10 million ballpark for years.

With those odds, it starts to feel surprising that NHTSA actually catches as many problems as it does.

28 investigators can only capture so much data first-hand. In order to act, NHTSA relies on data from the car companies themselves. When the companies take their own sweet time providing it, as GM has been doing, the safety review process hits a bottleneck... and just stops going anywhere at all.

So where do we sit today?

Consumers are aware of the problems, but the defective GM cars are still on the road. GM is paying meager fines of \$7000 per day (from their 2013 revenue of \$3.8 billion) for each day they miss their deadline for providing data to NHTSA. And thirteen people who were driving or riding in cars that had one small, faulty part in them are still dead.

Whatever this investigation uncovers about this particular defect, this tragic incident spotlights the fact that there are systemic problems with carmakers for whom lives are but data points on a cost/profit sheet and with regulators who ignore their own investigators' reports. Until those underlying issues are remedied, it's only a matter of time until another vehicle with a deadly defect is not only allowed to hit the road, but stay there for far too long.

AD6237 C3A-132

PO Box 32200

Stockton Ca 95213

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE

General Motor LLC

IGNITION SWITCH Litigation

Darryl Dunsmore  
Plaintiff

General Motors et al  
Defendants

Case 09-50026 (REG)

Table of Contacts  
and Authorities in  
support of objection  
to any motion to strike  
stay Dismissal or any  
enforcement of injunction  
upon This plaintiff

People v Lee 1970 3 CA3d 514 526 83 CR  
715 - - - - - 4

People v Meredith (1981) 29 C3d 682 690

175 CR 612 - - - - - 4

Imbler v Pachtman 1976 424 US

409 n25 47 L ed 2d 128 141 96 Sct 984 - 5

US v Bagley (1985) 473 US 667 676

87 L ed 2d 481 490 105 Sct 3375 - - - 5

Brady v Maryland (1963) 377 US 83

87 10 L ed 3d 215 83 Sct 1194 - - - - 5

1242aga v Superior Court (1991)

54 C3d 756 378 285 CR 231 - - - - 5

### Penal Code

PC 31 - - - - - 2

PC 32 - - - - - 2

PC 135 - - - - - 3

PC 1054(e) - - - - - 5

### contents

objection - - - - - Pages 5

memorandum - - - - - Pages 5

lodgements - - - - - Pages 39

### Lodgement

#### Exhibit A

Complaint 8CS045638 - - - - - 30 pages

#### Exhibit B

Correspondance - - - - - 1 page

#### Exhibit C

Housing in Jail Documents - - - 39 pages

9/2/15 D-10e

2 of 2

AD6237 C3A-132

Po Box 32200

Stockton Ca 95213

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE

General Motors LLC  
Ignition switch litigation

Darryl Dunsen  
Plaintiff

Case 09-50026 (REG)

✓  
General Motor et al  
Defendants

objection to any  
Motion to strike,  
stay, Dismissal  
or any enforcement  
of injunction upon  
this plaintiff

Introduction

This plaintiff's Complaint Exhibit A  
Directly attacks The Conduct of The New  
GM in Solano Superior Court State of

This plaintiff contends that the Defendants present conduct has and is voiding their Liability protection when the New GM began to violate state local and constitutional law of California when they failed to Release Disclose or hand over Exculpatory Constitutionally Mandated Discovery and began to destroy, or conceal Documentary evidence petitioner has been forced to seek through his state tort after failure to respond to correspondence request for Documentary Evidence in possession of the Defendants Exhibit B

Once the Defendants New GM began to conduct themselves in this manner depriving petitioner of Constitutionally Mandated Discovery which would prove his actual innocence claims in his writ of Habeas on Conviction in the Southern District of California Case 001193 GPC PCI The New Defendants became Accessories under California law Penal Code 32 to the principle Defendants The old GM as defined by Penal Code 31 Voiding their otherwise legitimate

liability protection however These acts to deprive petitioner of evidence in their possession and knowledge of successor of old GM Assets in the form of exculpatory Documentation that support the Malfunction Plaintiffs vehicle, the alleged weapon as the cause of the accident and not intent of the plaintiff in the alleged criminal conduct which plaintiff now only continues to suffer from because the acts of the New GM to conceal Destroy evidence in violation of Penal Code 135 thereby concealing the action of the principle as defined in Penal Code 31 to prevent prosecution in a court establishes the New GM Defendant as Accessories as defined in Penal Code section 32 forfeiting NEW GM'S liability protection, Dismissal of this Plaintiff action and any motion to strike or stay this plaintiff's Action or claims

Nor can any injunction supercede Plaintiff's legal right to the evidence

a question which plaintiff seeks which is constitutionally mandated any continued refusal clearly supports plaintiffs claims of fraud including to this court where they allege not to be in concert with the old GM Defendants actions yet continue to attempt to protect the principle cause the old GM Defendant with actions that define and describe the new GM Defendants as accessories in the old GM Defendants conduct according penal code 32

As declared by the new GM Defendants they became successor in of the old GM Defendants assets which happened to be documentary evidence which supports plaintiffs claims of actual innocence in which petitioner seeks to overturn his wrongful conviction

However at this time it is the new GM Defendants choice to refuse the discovery and evidence request in violation penal code 135 that they know is to be used in trial and are concealing and destroying in violation of California and Constitutional law



Plaintiff also argues Defendants did not provide Notice to individuals housed in County Jail thereby depriving at least this Plaintiff of his Due process to file a claim in a timely manner Exhibit C

Defendants should of made attempts to have jailed inmates notified with posted memorandums in County Jail's Defendants should allow and compensate this Plaintiff on any late filing as the declared they would provide to the Court Compensation

Plaintiff contends New GM Defendants Action have barred them from taking any action against this complaint through The Bankruptcy Court

Plaintiff further request a Declaratory order Directing New GM Defendants from Destroying or concealing any more Documentary evidence in this and plaintiff's case in question

I Declare under penalty of perjury  
the foregoing is true

9/22/15 D-1/D-1

Darryl Dausmore

AD6237 C3A-132

PO Box 32200

Stockton Ca 95213

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE

General Motor LLC

IGNITION Switch Litigation

Case 09-50026 (REG)

Darryl Dausmore  
Plaintiff

General Motors et al  
Defendants

Memorandum of Points and  
Authorities in support of objection  
To any Motion to strike, stay,  
Dismissal or any enforcement of  
injunction upon this plaintiff

Argument

Plaintiff's Complaint attacks conduct of  
The (New GM Defendants) who according to  
state, local and Constitutional law established  
themselves as independent actors Accessories  
to The Crimes and Misconduct of The

# Principle actors (old GM Defendants) as defined in California Penal Code Statute.

Penal Code 31 Principals Defined  
 (who are principals All persons concerned in the commission of a crime whether it be felony or misdemeanor and whether they directly commit the act constituting the offense or aid and abet in its commission and all persons counseling, advising)

Penal Code 32 Accessories defined  
 (Every person who after a felony has been committed harbors conceals or aids a principal in such felony with the intent that said principal may avoid or escape from arrest trial conviction or punishment having knowledge that said principal has committed such felony or has been charged with such felony or convicted thereof is an accessory to such felony)

According to PC 31 The New GM established it self as Accessories after having knowledge of said principals crimes which it attested to in its own filings with this court with in the meaning of PC 72 see any Brief Motion filed by Defendants

when they independently choose to conceal destroy Documentary evidence after plaintiff made request and notice of pending investigation and trial action with in the meaning of

Penal Code 135 Destroy OR CONCEALING  
Documentary evidence

(every person who, knowing That any Book, paper record instrument in writing or other matter or Thing is about to be produced in evidence upon any trial inquiry or investigation what ever authorized by law willfully destroys or conceals the same with intent thereby to prevent it from being produced is guilty)

Plaintiff Made the inquiry Through correspondence Notified The New GM of Pending actions according Penal Code 135 and Defendants New GM Made independent Action to Deprive plaintiff of Constitutionally Mandated Discovery Conceal Destroy said documentary evidence which support Petitioners Claim in a writ of habeas concerning the wrongful Conviction of one actually innocent Case 00A193 GPC PCL Southern District of California

Said Documentary evidence supports The Merits of plaintiffs Claims That The incident was not intentional on plaintiff Part but occurred because The Malfunction of The product Sold by The old GM Defendants and Their Misconduct

Plaintiff's Cause of Action Directly attacks the present conduct of GM Defendants (The New GM Defendants) which action causes them to become Accessories to The Old GM Defendants' conduct (The principals) when the New Defendants (New GM) took the present action to conceal, Destroy exculpatory evidence of The (old GM Defendants) conduct which Plaintiff's Complaint was filed see Exhibit A Cause of Action (Fraud)

Plaintiff contends that if The New GM Defendants had simply complied with plaintiff request concerning evidence of exculpatory nature of malfunctioning defective parts New GM's liabilities protection would be in full force against plaintiff and there would be no cause of action but New GM Defendants did not choose that action but instead to conceal and destroy Constitutionally mandated Discovery and attempts to Manipulate this court into an accessory as well to its crimes and Those of Old GM People v Lee (1970) 3 CA3d 514 526 83 CR 715

(Counsel for The Defendant New GM must disclose People v Meredith (1981) 29 CA3d 682 696 175 CR 612

As Supported by Exhibit C Plaintiff was  
 in Jail at ~~Time~~ time of Notice to file  
 a Claim with the old CR Defendant  
 Plaintiff. argues Defendants did not  
 Provide Due Diligence To individuals in  
 Jail Concerning Due process rights as  
 Plaintiff access to TV, Radioprnt and  
 all restricted The Magnitude of The  
 Misconduct was massive enough to move  
 for Memorandum posting in institution were  
 such restrictions exist Imbler v Pachtman  
 (1976) 424 US 409 125 47 L Ed 2d 128 141  
 96 S ct 984 / US v Bagley (1985) 473 US 667  
 676 87 L Ed 2d 481 490 105 S ct 3375 / Brady  
v Maryland (1963) 373 US 83 87 10 L Ed  
 2d 215 83 S ct 1194 see Bural Code  
1054(e) (Discovery Required by united  
 states Const. tution must occur) Izazaga  
v Superior Court (1991) 54 C3d 356 378  
 285 CR 231 Plaintiff argues That Deik  
 of any relief would be a Manifestation  
 of injustice and Manifestly unconscionable  
 to Declare under Penalty of perjury The  
 foregoing is true

9/22/15 D-1D-7  
 5085

AD6237 C3A-132

PO Box 32200

Stockton Ca 95213

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK  
IN RE

General Motor LLC

16 Nition switch litigation

Darryl Dunsmore  
Plaintiff

V

General Motors et al  
Defendants

Case 09-50026 (REG)

Edgements in Support of  
objection to any Motion  
to strike, stay Dismissal  
or any enforcement of  
injunction upon this plaintiff

Exhibit A

Complaint SC5045636

3 pages  
1 page

Exhibit B

correspondence

Exhibit C

Housing Jail Documents

39 pages

I Declare these Document to be true and accurate

9/2/15 D-D-O

1 of 1



*Superior Court of California*  
*County of Solano*

CLERK OF THE COURT

July 22, 2015

Ulonda Hill  
Trust Account Office  
1600 California Drive  
Vacaville, CA 95687

**Re: DARRYL DUNSMORE V GMC, LOBEL, VIKING, ET AL.**  
**Solano Superior Court Case No. FCS045638**

Dear Ms Hill:

Enclosed please find the following documents in regards to the above case:

1. Initial/Subsequent Billing Statement

If you have any questions, please don't hesitate to contact me at (707) 207-7330.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gillian Robins", is written over a circular stamp or seal.

Gillian Robins  
Legal Process Clerk II  
Civil/Small Claims Division

Cc: Darryl Dunsmore w/enclosures



**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SOLANO**

**INITIAL BILLING STATEMENT**

**DATE:** July 22, 2015

**TO:** ☐ **Department of Corrections and Rehabilitation**  
☐ \_\_\_\_\_ **County Jail**

**Pursuant to Government Code §68635(d) and an *Order on Court Fee Waiver (Superior Court)* filed on July 15, 2015, please forward payment for court filing fees as follows:**

**NAME OF INMATE:** DARRYL DUNSMORE

**INMATE NO:** AD6237

**PRISON/JAIL FACILITY:** CALIFORNIA MEDICAL FACILITY

**SOLANO COUNTY CASE NUMBER:** FCS045638

**CALCULATION OF INITIAL PARTIAL FILING FEE PAYABLE BY INMATE:**

<b>(1)</b>	<b>Filing fee:</b>	<u>\$ 435.00</u>
<b>(2)</b>	<b>(a) Average monthly deposits to inmate's account:</b>	<u>\$ 0</u>
	<b>(b) Average monthly balance in the inmate's account for the six-month period immediately preceding the application:</b>	<u>\$ 0</u>
<b>(3)</b>	<b>20% of the greater of (2)(a) or (2)(b):</b>	<u>\$ 0</u>
<b>(4)</b>	<b>INITIAL PAYMENT NOW DUE AND PAYABLE:</b>	<u>\$ 0</u>

**Please pay amount listed on line (4). Mail payment to:**

**Superior Court of California, County of Solano  
Attention: CIVIL/SMALL CLAIMS  
Old Solano Courthouse  
580 Texas Street  
Fairfield, CA 94533**

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SOLANO**

**FILED**  
Clerk of the Superior Court

JUL 22 2015

PLAINTIFF: DARRYL DUNSMORE #AD6237CASE NO. FCS045638DEFENDANT: GMC, LOBEL, VIKING, ET AL.

**CLERK'S APPLICATION  
AND ORDER**

I, the undersigned, employed as a Legal Process Clerk for the above-entitled court, apply for an order as follows:

- ☐ vacating default described below.  
☐ vacating judgment described below.  
☐ vacating answer and/or other responsive pleading described below.  
☒ complex case determination pursuant to CRC 3.403  
☐ other.

Document: CIVIL CASE COVER SHEETDate filed: 7/15/15Reason: Item #2 of Civil Case Cover Sheet is marked "Is" complex.

I certify under penalty of perjury that the foregoing is true and correct.

Executed on 7/15/15, at Fairfield, California.

By:   
Deputy Clerk

**ORDER**

Upon consideration of the clerk's application and review of the court file:

**IT IS ORDERED:**

- ☐ The default(s) of the defendant(s) named in the clerk's application is (are) vacated.  
☐ The judgment entered on \_\_\_\_\_ is vacated.  
☐ The answer and/or other responsive pleading is vacated.  
☐ Case is determined to be complex (CRC 3.403) ☒ Case is determined not to be complex (CRC 3.403).  
☐ Complex Case fees of \$1,000.00 due per defendant within 10 days of the mailing of this order.  
☐ Set for complex case determination hearing on \_\_\_\_\_ at \_\_\_\_\_ in Dept \_\_\_\_\_.  
☐ Other: \_\_\_\_\_

Dated: JUL 20 2015

  
JUDGE

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SOLANO**

**[X] 580 Texas Street, Fairfield, CA 94533 [ ] 600 Union Avenue, Fairfield, CA 94533**

**CERTIFICATE AND AFFIDAVIT OF MAILING**

**CASE NO: FCS045638**

I, the undersigned, certify under penalty of perjury that I am employed as a deputy clerk of the above-entitled court and am not a party to the within-entitled action; that I served the attached document:

**CLERK'S APPLICATION AND ORDER**

By causing to be placed a true copy thereof in an envelope which was then sealed and postage fully prepaid on the date shown below; that I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service; that the above stated document will be deposited in the Superior Court of California, County of Solano's outgoing mailbox for collection by county mail carriers on the date indicated. Said envelope was addressed to the attorneys for the parties, or the parties, as shown below:

DARRYL DUNSMORE #AD6237  
CALIFORNIA MEDICAL FACILITY  
PO BOX 2000  
VACAVILLE, CA 95696-2000

Dated: 7/22/15

By: \_\_\_\_\_

  
Deputy Clerk

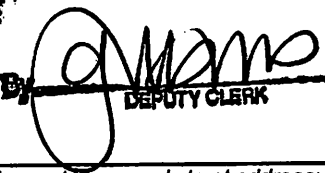
**-CERTIFICATE AND AFFIDAVIT OF MAILING**

**FW-003****Order on Court Fee Waiver  
(Superior Court)****① Person who asked the court to waive court fees:**Name: DARRYL DUNSMORE #AD6237Street or mailing address: CMF PO BOX 2000City: VACAVILLE State: CA Zip: 95696-2000**② Lawyer, if person in ① has one (name, address, phone number, e-mail, and State Bar number):** \_\_\_\_\_**③ A request to waive court fees was filed on (date):** 7/15/2015☐ The court made a previous fee waiver order in this case on (date): \_\_\_\_\_**Read this form carefully. All checked boxes ☒ are court orders.**

Clerk stamps date here when form is filed.

**FILED**  
Clerk of the Superior Court

JUL 15 2015

  
DEPUTY CLERK

Fill in court name and street address:

Superior Court of California, County of  
SOLANO  
OLD SOLANO COURTHOUSE  
580 TEXAS STREET  
FAIRFIELD, CA 94533

Fill in case number and name:

Case Number:  
FCS045638Case Name:  
DUNSMORE V GMC, LOBEL, et al.

**Notice:** The court may order you to answer questions about your finances and later order you to pay back the waived fees. If this happens and you do not pay, the court can make you pay the fees and also charge you collection fees. If there is a change in your financial circumstances during this case that increases your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010.) If you win your case, the trial court may order the other side to pay the fees. If you settle your civil case for \$10,000 or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

**④ After reviewing your: ☒ Request to Waive Court Fees ☐ Request to Waive Additional Court Fees the court makes the following orders:****"Payment of filing fees shall be made pursuant****a. ☒ The court grants your request, as follows: **to Government Code §68635."******(1) ☒ Fee Waiver.** The court grants your request and waives your court fees and costs listed below. (Cal. Rules of Court, rules 3.55 and 8.818.) You do not have to pay the court fees for the following:

- Filing papers in Superior Court
- Making copies and certifying copies
- Sheriff's fee to give notice
- Court fee for phone hearing
- Reporter's fee for attendance at hearing or trial, if reporter provided by the court
- Assessment for court investigations under Probate Code section 1513, 1826, or 1851
- Preparing, certifying, copying, and sending the clerk's transcript on appeal
- Holding in trust the deposit for a reporter's transcript on appeal under rule 8.130 or 8.834
- Making a transcript or copy of an official electronic recording under rule 8.835
- Giving notice and certificates
- Sending papers to another court department
- Court-appointed interpreter in small claims court

**(2) ☐ Additional Fee Waiver.** The court grants your request and waives your additional superior court fees and costs that are checked below. (Cal. Rules of Court, rule 3.56.) You do not have to pay for the checked items.

- ☐ Jury fees and expenses
- ☐ Fees for court-appointed experts
- ☐ Other (specify): \_\_\_\_\_
- ☐ Fees for a peace officer to testify in court
- ☐ Court-appointed interpreter fees for a witness

Case Number:  
FCS045638

Your name: \_\_\_\_\_

- b. ☐ The court **denies** your fee waiver request, as follows:

**Warning!** If you miss the deadline below, the court cannot process your request for hearing or the court papers you filed with your original request. If the papers were a notice of appeal, the appeal may be dismissed.

- (1) ☐ The court **denies** your request because it is incomplete. You have **10 days** after the clerk gives notice of this order (see date of service on next page) to:

- Pay your fees and costs, or
- File a new revised request that includes the items listed below (*specify incomplete items*):

- (2) ☐ The court **denies** your request because the information you provided on the request shows that you are not eligible for the fee waiver you requested (*specify reasons*): \_\_\_\_\_

The court has enclosed a blank *Request for Hearing About Court Fee Waiver Order (Superior Court)*, form FW-006. You have **10 days** after the clerk gives notice of this order (see date of service below) to:

- Pay your fees and costs in full or the amount listed in c. below, or
- Ask for a hearing in order to show the court more information. (*Use form FW-006 to request hearing.*)

- c. ☐ The court needs more information to decide whether to grant your request. You must go to court on the date below. The hearing will be about (*specify questions regarding eligibility*): \_\_\_\_\_

- ☐ Bring the following proof to support your request if reasonably available: \_\_\_\_\_

\_\_\_\_\_  
Name and address of court if different from above:

Hearing  
Date

→ Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

**Warning!** If item c is checked, and you do not go to court on your hearing date, the judge will deny your request to waive court fees, and you will have 10 days to pay your fees. If you miss that deadline, the court cannot process the court papers you filed with your request. If the papers were a notice of appeal, the appeal may be dismissed.

Date: 7/15/2015

Signature of (check one): ☐ Judicial Officer ☒ Clerk, Deputy



**Request for Accommodations.** Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before your hearing. Contact the clerk's office for *Request for Accommodation*, Form MC-410. (Civil Code, § 54.8.)

### Clerk's Certificate of Service

I certify that I am not involved in this case and (*check one*): ☐ A certificate of mailing is attached.

☐ I handed a copy of this order to the party and attorney, if any, listed in ① and ②, at the court, on the date below.

☒ This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in ① and ②, from (*city*): FAIRFIELD, California on the date below.

Date: 7/15/2015

Clerk, by \_\_\_\_\_, Deputy

**This is a Court Order.**

SUM-100

**SUMMONS**  
(CITACION JUDICIAL)

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):

*Gene, Cobel, Niles et al*

YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

*Daryl Dunsure*

ASSIGNED TO  
JUDGE **Harry S. Kinnicutt**  
FOR ALL PURPOSES

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is: *Old Solano Courthouse*  
(El nombre y dirección de la corte es): *880 Texas St.  
Fairfield Ca 94533*

CASE NUMBER:  
(Número del Caso)

*FCSD45638*

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: *Pro Se*  
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es): *Daryl Dunsure 406237 6-2-224 PO Box 2000 Vacaville Ca 95696*

DATE:  
(Fecha)

**JUL 15 2015**

Clerk, by  
(Secretario)

*[Signature]*

Deputy  
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.  
2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)  
☐ other (specify):

4. ☐ by personal delivery on (date):

[SEAL]



AO 6237 G-1-14  
Po Box 2000  
Vacaville Ca 95696  
Pro Se

**FILED**  
Clerk of the Superior Court

JUL 15 2015

ASSIGNED TO  
JUDGE Harry S. Kinnicutt  
FOR ALL PURPOSES

By [Signature]  
DEPUTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
SOLANO COUNTY

Darryl Dunsmore  
Plaintiff  
v

Case# FCSD45038

GMC, Lobel, V. King & AL  
Defendants

Declaration in support  
of TRO / INJUNCTION ORDER  
IN SUPPORT OF Complex  
unlimited civil Complaint

I Darryl Dunsmore plaintiff in the above captioned case state Declare The parties involved have been Notified by US Mail as pertains to Defendants GMC, Lobel, V. King of The Complaint and TRO injunction order to Show Cause

I Declare under penalty of perjury The foregoing is true

5/28/15  
6/12/15  
DJD -  
1081

Darryl Dunsware

AD 6237 G-1-14

PO BOX 2000

Vacaville Ca 95696

Pro Se

**FILED**  
Clerk of the Superior Court

JUL 15 2015

By [Signature]  
DEPUTY CLERKASSIGNED TO  
JUDGE Harry S. Kinnicutt  
FOR ALL PURPOSESIN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SOLANODarryl Dunsware  
PlaintiffCase # FCS 045038v.  
GMC, Colbel, Viking Et Al  
DefendantsMotion for TRO  
INJUNCTIVE ReliefStatement of the Case

This is a civil tort claim unlimited complex case concerning large corporation and numerous Defendants who in 2006-2007 conducted themselves in a fraudulent manner to sell a vehicle to the plaintiff known or should have been known to be stolen with defective parts either initially installed by the Defendant GMC or later by an Authorized



workers which said defective vehicle caused

An accident on 2007 Dec 3 of which the Plaintiff was wrongly convicted suffering personal injury, loss of property Emotional Distress and loss of future earnings and with malice and intent have continued to refuse plaintiff exculpatory evidence concerning such allegation of which would exonerate the plaintiff and hold defendant liable

### Statement of The Facts

1. The plaintiff was involved in an accident on Dec 3 2007
2. Defendants paid a disclaimer to the witness Terry Rahn who declared it an accident
3. Appraiser Report indicates a Duplicate title and indication that the Vehicle may be stolen or tampered with
4. The Defendants had the ability prior to the accident to know of the property being stolen or tampered with
5. The Defendants manufactured and installed defective parts and failed to disclose such safety risks and continue to do so

6. The Air bags Did not Deploy

7. The plaintiff has been wrongly convicted, Personally injured, Lost future earning, Property loss and Emotional Distress

8. The Defendants still own posses. have knowledge of Material Facts that are Exculpatory in nature in the form of personal knowledge written, Recorded, Electronic records, Memos papers or other effects

9. Said above artifact Can Exonerate the plaintiff and hold Defendant Liable

### Argument

Because the Defendants can be held both Criminally and Substantially, Financially Liable Plaintiff Motions this court for a protective order Preventing the Defendants from Destroying any record that may pertain in any form to the allegations in the Civil Complaint or any other action that might make such Records unavailable, from taking any Disciplinary or legal action against any employee witness with information concerning the Civil Complaint and its allegation

± Declare under penalty of perjury the foregoing is true

5/28/15  
6/12/15

D-10-  
3083

AD6237 G-1-14 PO Box 2000 Vacaville Ca 94966

TELEPHONE NO.: FAX NO.:

ATTORNEY FOR (Name) Pro Se

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Solano

STREET ADDRESS: 506 Texas St

MAILING ADDRESS:

CITY AND ZIP CODE: Fairfield Ca 94533

BRANCH NAME: Old Solano Court House

**FILED**  
Clerk of the Superior Court

JUL 15 2015

By [Signature]  
DEPUTY CLERK

CASE NAME: Dunsmore v GMC, Lobel, Viking Et Al

**CIVIL CASE COVER SHEET**

☒ Unlimited (Amount demanded exceeds \$25,000) ☐ Limited (Amount demanded is \$25,000 or less)

☐ Complex Case Designation

☐ Counter ☐ Joinder

☐ Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER: FO8045138

JUDGE: Harry S. Kinnicutt

DEPT: 3

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

<b>Auto Tort</b> <input checked="" type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46)	<b>Contract</b> <input checked="" type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37)	<b>Provisionally Complex Civil Litigation</b> (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
<b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23)	<b>Real Property</b> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26)	<b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20)
<b>Non-PI/PD/WD (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input checked="" type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input checked="" type="checkbox"/> Other non-PI/PD/WD tort (35)	<b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38)	<b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42)
<b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case ☒ is ☐ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. <input checked="" type="checkbox"/> Large number of separately represented parties	d. <input checked="" type="checkbox"/> Large number of witnesses
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve	e. <input checked="" type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. <input checked="" type="checkbox"/> Substantial amount of documentary evidence	f. <input type="checkbox"/> Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☒ punitive

4. Number of causes of action (specify): Fraud, Personal Injury Breach of Contract

5. This case ☒ is ☐ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 5/28/15 6/12/15  
Darryl Dunsmore  
(TYPE OF PRINT NAME)

[Signature]  
(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

- NOTICE**
- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
  - File this cover sheet in addition to any cover sheet required by local court rule.
  - If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
  - Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

# INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

## CASE TYPES AND EXAMPLES

### Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death  
Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)

### Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)  
Asbestos Property Damage  
Asbestos Personal Injury/Wrongful Death  
Product Liability (not asbestos or toxic/environmental) (24)  
Medical Malpractice (45)  
Medical Malpractice—Physicians & Surgeons  
Other Professional Health Care Malpractice  
Other PI/PD/WD (23)  
Premises Liability (e.g., slip and fall)  
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)  
Intentional Infliction of Emotional Distress  
Negligent Infliction of Emotional Distress  
Other PI/PD/WD

### Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)  
Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)  
Defamation (e.g., slander, libel) (13)  
Fraud (16)  
Intellectual Property (19)  
Professional Negligence (25)  
Legal Malpractice  
Other Professional Malpractice (not medical or legal)  
Other Non-PI/PD/WD Tort (35)  
Employment  
Wrongful Termination (36)  
Other Employment (15)

### Contract

Breach of Contract/Warranty (06)  
Breach of Rental/Lease  
Contract (not unlawful detainer or wrongful eviction)  
Contract/Warranty Breach—Seller Plaintiff (not fraud or negligence)  
Negligent Breach of Contract/Warranty  
Other Breach of Contract/Warranty  
Collections (e.g., money owed, open book accounts) (09)  
Collection Case—Seller Plaintiff  
Other Promissory Note/Collections Case  
Insurance Coverage (not provisionally complex) (18)  
Auto Subrogation  
Other Coverage  
Other Contract (37)  
Contractual Fraud  
Other Contract Dispute

### Real Property

Eminent Domain/Inverse Condemnation (14)  
Wrongful Eviction (33)  
Other Real Property (e.g., quiet title) (26)  
Writ of Possession of Real Property  
Mortgage Foreclosure  
Quiet Title  
Other Real Property (not eminent domain, landlord/tenant, or foreclosure)

### Unlawful Detainer

Commercial (31)  
Residential (32)  
Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)

### Judicial Review

Asset Forfeiture (05)  
Petition Re: Arbitration Award (11)  
Writ of Mandate (02)  
Writ—Administrative Mandamus  
Writ—Mandamus on Limited Court Case Matter  
Writ—Other Limited Court Case Review  
Other Judicial Review (39)  
Review of Health Officer Order  
Notice of Appeal—Labor Commissioner Appeals

### Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)  
Construction Defect (10)  
Claims Involving Mass Tort (40)  
Securities Litigation (28)  
Environmental/Toxic Tort (30)  
Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)

### Enforcement of Judgment

Enforcement of Judgment (20)  
Abstract of Judgment (Out of County)  
Confession of Judgment (non-domestic relations)  
Sister State Judgment  
Administrative Agency Award (not unpaid taxes)  
Petition/Certification of Entry of Judgment on Unpaid Taxes  
Other Enforcement of Judgment Case

### Miscellaneous Civil Complaint

RICO (27)  
Other Complaint (not specified above) (42)  
Declaratory Relief Only  
Injunctive Relief Only (non-harassment)  
Mechanics Lien  
Other Commercial Complaint Case (non-tort/non-complex)  
Other Civil Complaint (non-tort/non-complex)

### Miscellaneous Civil Petition

Partnership and Corporate Governance (21)  
Other Petition (not specified above) (43)  
Civil Harassment  
Workplace Violence  
Elder/Dependent Adult Abuse  
Election Contest  
Petition for Name Change  
Petition for Relief From Late Claim  
Other Civil Petition

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <u>Daryl Dunsmore Daryl</u> <u>AO6237 G-1-14 PO Box 2000 Vacaville Ca 95666</u>		<b>FILED</b> Clerk of the Superior Court  JUL 15 2015 BY <u>AMMO</u> DEPUTY CLERK  \$435 FINE	
TELEPHONE NO: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): <u>Pro Se</u>		ASSIGNED TO JUDGE <u>Harry S. Kinnicut</u> FOR ALL PURPOSES	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <u>Solano</u> STREET ADDRESS: <u>580 Texas St</u> MAILING ADDRESS: _____ CITY AND ZIP CODE: <u>Fairfield Ca 94533</u> BRANCH NAME: <u>Old Solano Court house</u>			
PLAINTIFF: <u>Daryl Dunsmore</u> DEFENDANT: <u>GMC, Kobel, Viking et al</u>			
<input checked="" type="checkbox"/> DOES 1 TO <u>100</u>			
COMPLAINT—Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): _____ Type (check all that apply): <input checked="" type="checkbox"/> MOTOR VEHICLE <input type="checkbox"/> OTHER (specify): _____ <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify): _____			
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited		CASE NUMBER: <u>F05045638</u>	

1. Plaintiff (name or names): Daryl Dunsmore  
 alleges causes of action against defendant (name or names): GMC, Kobel, Viking et al
2. This pleading, including attachments and exhibits, consists of the following number of pages: \_\_\_\_\_
3. Each plaintiff named above is a competent adult:
- a. ☒ except plaintiff (name): GMC, Kobel, Viking
- (1) ☒ a corporation qualified to do business in California  
 (2) ☒ an unincorporated entity (describe): \_\_\_\_\_  
 (3) ☐ a public entity (describe): \_\_\_\_\_  
 (4) ☐ a minor ☐ an adult  
     (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed  
     (b) ☐ other (specify): \_\_\_\_\_  
 (5) ☐ other (specify): \_\_\_\_\_
- b. ☐ except plaintiff (name): \_\_\_\_\_
- (1) ☐ a corporation qualified to do business in California  
 (2) ☐ an unincorporated entity (describe): \_\_\_\_\_  
 (3) ☐ a public entity (describe): \_\_\_\_\_  
 (4) ☐ a minor ☐ an adult  
     (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed  
     (b) ☐ other (specify): \_\_\_\_\_  
 (5) ☐ other (specify): \_\_\_\_\_

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

SHORT TITLE:

CASE NUMBER:

Dunsmore v GMC et al

4. ☒ Plaintiff (name): Darryl Dunsmore  
is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

- a. ☒ except defendant (name): GMC Label v. Kelly et al
- (1) ☒ a business organization, form unknown  
(2) ☒ a corporation  
(3) ☒ an unincorporated entity (describe):
- (4) ☐ a public entity (describe):  
(5) ☐ other (specify):
- b. ☐ except defendant (name):
- (1) ☐ a business organization, form unknown  
(2) ☐ a corporation  
(3) ☐ an unincorporated entity (describe):
- (4) ☐ a public entity (describe):  
(5) ☐ other (specify):
- c. ☐ except defendant (name):
- (1) ☐ a business organization, form unknown  
(2) ☐ a corporation  
(3) ☐ an unincorporated entity (describe):
- (4) ☐ a public entity (describe):  
(5) ☐ other (specify):
- d. ☐ except defendant (name):
- (1) ☐ a business organization, form unknown  
(2) ☐ a corporation  
(3) ☐ an unincorporated entity (describe):
- (4) ☐ a public entity (describe):  
(5) ☐ other (specify):

☐ Information about additional defendants who are not natural persons is contained in Complaint—Attachment 5.

6. The true names and capacities of defendants sued as Does are unknown to plaintiff.

7. ☐ Defendants who are joined pursuant to Code of Civil Procedure section 382 are (names):

8. This court is the proper court because

- a. ☒ at least one defendant now resides in its jurisdictional area.  
b. ☒ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.  
c. ☐ injury to person or damage to personal property occurred in its jurisdictional area.  
d. ☒ other (specify): Real Property that is the subject of this action is located here

9. ☒ Plaintiff is required to comply with a claims statute, and

- a. ☒ plaintiff has complied with applicable claims statutes, or  
b. ☒ plaintiff is excused from complying because (specify):

Medical malpractice

PLD-PI-001

SHORT TITLE:

CASE NUMBER:

Dunsmore v GMC et al

10. The following causes of action are attached and the statements above apply to each (*each complaint must have one or more causes of action attached*):

- a. ☒ Motor Vehicle
- b. ☒ General Negligence
- c. ☒ Intentional Tort
- d. ☒ Products Liability
- e. ☐ Premises Liability
- f. ☒ Other (specify): *fraud*

11. Plaintiff has suffered

- a. ☒ wage loss
- b. ☒ loss of use of property
- c. ☒ hospital and medical expenses
- d. ☒ general damage
- e. ☒ property damage
- f. ☒ loss of earning capacity
- g. ☒ other damage (specify): *wrongful conviction*

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12.
- b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
  - (2) ☒ punitive damages
- The amount of damages is (*in cases for personal injury or wrongful death, you must check (1)*):
- (1) ☒ according to proof
  - (2) ☒ in the amount of: \$

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (*specify paragraph numbers*):

Date:

6/12/15

Darryl Dunsmore

(TYPE OR PRINT NAME)

W. J. D. -

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

The Sheriff must have original, signed instructions by the party or party without attorney in accordance with CCP 262 and 687.010

[www.sdsheiff.net/csb\\_courtlocations.html](http://www.sdsheiff.net/csb_courtlocations.html)Darryl Dunsore  
Plaintiffvs GMC, Lobel, Viking Et al  
Defendant

Case Number

To the Sheriff, you are instructed to serve the following documents:

- ☒ Summons and Complaint/Petition  
☒ Order to Show Cause  
☐ Claim of Plaintiff/Defendant (Small Claims)  
☐ Order to Appear  
☐ Civil Bench Warrant  
☐ Other

☐ Writ of Possession for Real Property (Eviction)

Agent to Contact for Eviction: \_\_\_\_\_ Daytime Phone ( ) Ext: \_\_\_\_\_

Are there any officer safety concerns that you are aware of? ☐ Yes ☐ No Gate Code: \_\_\_\_\_

Explain: \_\_\_\_\_

PARTY TO BE SERVED:

GMC, Lobel, Viking Et al

Agent for Service (if applicable) \_\_\_\_\_

Address: Viking 7878 Clairmont BlvdCity San Diego Ca State CA Zip 92111

Gate Code (if applicable) \_\_\_\_\_ Best time to attempt service at this address: \_\_\_\_\_

Description (if applicable)	SEX	DOB	AGE	HT	WT	HAIR	EYES	RACE
DISTINGUISHING MARKS, SCARS OR TATTOOS								
DRIVER'S LICENSE # AND STATE								
Name of Employer (if applicable)	<u>Weston General</u>							
Employer's Address	<u>5230 Las Virgenes Rd</u>							
City	<u>Calabasas</u>	State	<u>CA</u>	Zip	<u>91302-3447</u>			
Best time to attempt service at employer								

Special Instructions

## \*\*\*\*NOTICE TO REQUESTOR\*\*\*\*

The Sheriff's Department DOES NOT guarantee service.

The Sheriff's Department is entitled to its fees whether the service is completed or not. (California Government Code 26738)

All communications, refunds and collections will be made to the name and address listed below:

Name of attorney (or party without attorney) requesting service

<u>Darryl Dunsore</u>	<u>AD6237</u>	<u>62-224</u>
Address	City	State
<u>PO Box 2000</u>	<u>Vacaville</u>	<u>CA</u>
	Zip	<u>94996</u>

Telephone Number ( ) Fax Number ( )

Email address

Signature D-D Date 5/28/15 6/12/15

\*\*\*\*\*SHERIFF'S USE ONLY\*\*\*\*\*

HEARING DATE \_\_\_\_\_ LAST DAY TO SERVE \_\_\_\_\_ FEE WAIVER ATTACHED? Y N



Darryl Dunsmore vs GMC Corp, v. King et al  
 Plaintiff Defendant Case Number

To the Sheriff, you are instructed to serve the following documents:

- ☒ Summons and Complaint/Petition  
☒ Order to Show Cause  
☐ Claim of Plaintiff/Defendant (Small Claims)  
☒ Order to Appear  
☐ Civil Bench Warrant  
☐ Other

☐ Writ of Possession for Real Property (Eviction)

Agent to Contact for Eviction: \_\_\_\_\_ Daytime Phone: ( ) Ext: \_\_\_\_\_

Are there any officer safety concerns that you are aware of? ☐ Yes ☐ No Gate Code: \_\_\_\_\_

Explain: \_\_\_\_\_

PARTY TO BE SERVED: GMC Corp

Agent for Service (if applicable): \_\_\_\_\_

Address: HDFC CHOBBS General Insurance Company Limited 5th Floor

City: Express towers Nariman Point State: Mumbai Zip: 400-021

Gate Code (if applicable): \_\_\_\_\_ Best time to attempt service at this address: \_\_\_\_\_

Description (if applicable)	SEX	DOB	AGE	HT	WT	HAIR	EYES	RACE
DISTINGUISHING MARKS SCARS OR TATTOOS								DRIVER'S LICENSE # AND STATE
Name of Employer (if applicable)	<u>GMC Corp</u>							
Employer's Address	<u>8585 E Frank Lloyd Wright Blvd</u>							
City	<u>Scottsdale</u>						State	<u>AZ</u> Zip <u>85260</u>
Best time to attempt service at employer								

Special Instructions

\*\*\*\*NOTICE TO REQUESTOR\*\*\*\*

The Sheriff's Department DOES NOT guarantee service

The Sheriff's Department is entitled to its fees whether the service is completed or not. (California Government Code 26738)

All communications, refunds and collections will be made to the name and address listed below

Name of attorney (or party without attorney) requesting service

Darryl Dunsmore AD6237 G-2-224  
 Address PO Box 2000 City Vacaville State CA Zip 95696  
 Telephone Number ( ) Fax Number ( )

Email address

Signature D-D Date 5/28/15 6/12/15

.....SHERIFF'S USE ONLY.....

HEARING DATE \_\_\_\_\_ LAST DAY TO SERVE \_\_\_\_\_ FEE WAIVER ATTACHED? Y N

Daryl Dunsen vs GMC Label v. King Stal 10-50026-0180  
Plaintiff Defendant Case Number

To the Sheriff, you are instructed to serve the following documents:

- ☒ Summons and Complaint/Petition  
☒ Order to Show Cause  
☐ Claim of Plaintiff/Defendant (Small Claims)  
☐ Order to Appear  
☐ Civil Bench Warrant  
☐ Other

☐ Writ of Possession for Real Property (Eviction)

Agent to Contact for Eviction: \_\_\_\_\_ Daytime Phone: ( ) Ext: \_\_\_\_\_

Are there any officer safety concerns that you are aware of? ☐ Yes ☐ No Gate Code: \_\_\_\_\_

Explain: \_\_\_\_\_

PARTY TO BE SERVED: Cobel

Agent for Service (if applicable): \_\_\_\_\_

Address: 1150 Magnolia Ave

City: Anaheim State: CA Zip: 92801-2605

Gate Code (if applicable): \_\_\_\_\_ Best time to attempt service at this address: \_\_\_\_\_

Description: (If applicable)	SEX	DOB	AGE	HT	WT	HAIR	EYES	RACE
DISTINGUISHING MARKS, SCARS OR TATTOOS								
DRIVER'S LICENSE # AND STATE								
Name of Employer (if applicable)								
Employer's Address								
City: State: CA Zip:								
Best time to attempt service at employer								

Special Instructions: \_\_\_\_\_

\*\*\*\*NOTICE TO REQUESTOR\*\*\*\*

The Sheriff's Department DOES NOT guarantee service.

The Sheriff's Department is entitled to its fees whether the service is completed or not. (California Government Code 26738)  
All communications, refunds and collections will be made to the name and address listed below:

Name of attorney (or party without attorney) requesting service:

Daryl Dunsen AD6237 62-224  
Address: PO Box 2000 City: Upland State: CA Zip: 95696

Telephone Number: ( ) Fax Number: ( )

Email address: \_\_\_\_\_

Signature: [Signature] Date: 5/28/15 6/12/15

.....SHERIFF'S USE ONLY.....

HEARING DATE \_\_\_\_\_ LAST DAY TO SERVE \_\_\_\_\_ FEE WAIVER ATTACHED? Y N

VS	
Plaintiff	Defendant
Court Case Number	Levying Officer File Number

To the Sheriff, you are instructed to execute a: (One levy per instruction ONLY):

<input type="checkbox"/> <b>BANK LEVY</b> <input type="checkbox"/> Levy is for any and all accounts of the Judgment Debtor(s). <input type="checkbox"/> Including but not limited to account(s)  <input type="checkbox"/> Levy is to be limited to account(s):
<input type="checkbox"/> <b>THIRD PARTY LEVY</b> <input type="checkbox"/> Levy is for all funds owed to the Judgment Debtor(s) by the Third Party. <input type="checkbox"/> Levy is to be limited to:
<input type="checkbox"/> <b>RENT LEVY</b> (Levy is for all rents due during the 2 year lien period) Service will be made on any <b>Tenant in Possession</b>
<input type="checkbox"/> <b>PERSONAL PROPERTY LEVY</b> (The Sheriff is directed to <b>Levy and sell</b> the debtor's personal property listed below) Address where personal property is located (Property must be in a public place or a separate "Break-in" order issued by the court is required)
<input type="checkbox"/> <b>TILL TAP</b> (Levy on contents of all cash receptacles in a going business)
<input type="checkbox"/> <b>KEEPER-CASH ONLY</b> (Levy on all cash and cash equivalent of a going business by placing a keeper in the business for the specified time period)
<input type="checkbox"/> <b>KEEPER-CASH AND TANGIBLE PERSONAL PROPERTY</b> (Levy on all cash and cash equivalent of a going business AND seize and sell all tangible personal property of the going business (Requires a minimum fee deposit of \$1,500 pending further quotation) Keeper is to be installed for <input type="checkbox"/> 8, <input type="checkbox"/> 12, <input type="checkbox"/> 24 hours each day (excluding weekends) for _____ day(s)

Note: Fee waiver does not apply to the fee for the keeper(s). Keeper fees **MUST** be paid in advance.

Name(s) of Judgment Debtor(s) whose property is subject to this levy (include the debtor's social security number, if known/applicable)

SERVE LEVY UPON:

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: CA Zip: \_\_\_\_\_

Special Instructions: \_\_\_\_\_

The Sheriff's Department DOES NOT guarantee service.

The Sheriff's Department is entitled to its fees whether the service is completed or not. (California Government Code 26738)  
All communications, refunds and collections will be made to the name and address listed below:

Name of attorney (or party without attorney) requesting service			
Address		City:	State:
Telephone Number: ( )		Fax Number: ( )	
Email Address:			

Signature \_\_\_\_\_ Date \_\_\_\_\_

**FW-002** Request to Waive Additional  
Court Fees (Superior Court)

This form asks the court to waive *additional* court fees that are not covered in a current order. If you have not already received an order that waived or reduced your court fees, you must complete and file a *Request to Waive Court Fees (Superior Court)*, form FW-001, along with this form.

**1** Your Information (person asking the court to waive the fees):

Name: Daryl Dunsore AD637  
Street or mailing address: PO Box 2000  
City: Vacaville State: Ca Zip: 95696  
Phone number: \_\_\_\_\_

**2** Your lawyer, if you have one (name, firm or affiliation, address, phone number, and State Bar number): \_\_\_\_\_

- a. The lawyer has agreed to advance all or a portion of your fees or costs (check one): ☐ Yes ☐ No  
b. (If yes, your lawyer must sign here):  
Lawyer's signature: \_\_\_\_\_

If your lawyer is not providing legal-aid type services based on your low income, you may have to go to a hearing to explain why you are asking the court to waive the fees.

**3** Date your last court fee waiver order, if any, was granted: \_\_\_\_\_

**4** Has your financial situation improved since your last Request to Waive Court Fees? ☐ No ☐ Yes (If yes, you must fill out a new Request to Waive Court Fees, form FW-001, and attach it to this form.)

**5** What other fees do you want your court fee waiver order to cover? (Check all that apply):

- a. ☐ Jury fees and expenses  
b. ☐ Court-appointed interpreter fees for a witness  
c. ☐ Fees for a peace officer to testify in court  
d. ☒ Reporter's daily fees (beyond 60-days after grant of a fee waiver, at court-approved daily rate)  
e. ☒ Fees for court-appointed experts  
f. ☒ Other (specify): Complex Case

**6** Why do you need these other services? (Explain): Complex Litigation Concerning Defective Manufacturing

Notice: The court may order you to answer questions about your finances and later order you to pay back the waived fees. If this happens and you do not pay, the court can make you pay the fees and also charge you collection fees. If there is a change in your financial circumstances during this case that increases your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010.) If you win your case, the trial court may order the other side to pay the fees. If you settle your civil case for \$10,000 or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: 6/12/15  
Daryl Dunsore  
Print your name here

DAD  
Sign here

**CONFIDENTIAL**

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of  
Solano  
Old Solano Courthouse  
580 Texas St  
Sacramento Ca 95833

Fill in case number and case name:

Case Number:

Case Name:

Dunsore v GMC, Local, Viking et al

PLD-C-001(1)

SHORT TITLE:

Unsure v GMC ETAL

CASE NUMBER:

**CAUSE OF ACTION—Breach of Contract**

(number)

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

BC-1. Plaintiff (name): Darryl Unsworth

alleges that on or about (date): 2006-2007

a ☒ written ☒ oral ☐ other (specify):

agreement was made between (name parties to agreement): Lobel, Viking

☐ A copy of the agreement is attached as Exhibit A, or

☒ The essential terms of the agreement ☐ are stated in Attachment BC-1 ☒ are as follows (specify):

That The Vehical was void of poor workman ship  
or part and was safe and legal

BC-2. On or about (dates): 2006-2007

defendant breached the agreement by ☐ the acts specified in Attachment BC-2 ☒ the following acts

(specify): by knowingly allowing plaintiff to purchase and  
use the product known to have unauthorized work  
performed defective parts and stolen

BC-3. Plaintiff has performed all obligations to defendant except those obligations plaintiff was prevented or  
excused from performing.

BC-4. Plaintiff suffered damages legally (proximately) caused by defendant's breach of the agreement

☐ as stated in Attachment BC-4 ☒ as follows (specify): Severe personal injury emotional  
Distress, loss of property, future earning, wrongful conviction

BC-5. ☒ Plaintiff is entitled to attorney fees by an agreement or a statute

☐ of \$

☒ according to proof.

BC-6. ☒ Other: TRIPLE Damages

Page \_\_\_\_\_

Page 1 of 1

PLD-PI-001(5)

SHORT TITLE: <u>Dunsmore v GMC ET AL</u>	CASE NUMBER:
---	--------------

**CAUSE OF ACTION—Products Liability**

Page \_\_\_\_\_

(number)  
ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint  
(Use a separate cause of action form for each cause of action.)

Plaintiff (name): Daryl Dunsmore

Prod. L-1. On or about (date): Dec 3 2007 plaintiff was injured by the following product: GMC  
2001 SAVANA VAN SL

Prod. L-2. Each of the defendants knew the product would be purchased and used without inspection for defects. The product was defective when it left the control of each defendant. The product at the time of injury was being  
☒ used in the manner intended by the defendants.  
☒ used in the manner that was reasonably foreseeable by defendants as involving a substantial danger not readily apparent. Adequate warnings of the danger were not given.

Prod. L-3. Plaintiff was a  
☒ purchaser of the product. ☒ user of the product.  
☐ bystander to the use of the product. ☐ other (specify):

**PLAINTIFF'S INJURY WAS THE LEGAL (PROXIMATE) RESULT OF THE FOLLOWING:**

Prod. L-4. ☒ **Count One—Strict liability** of the following defendants who  
a. ☒ manufactured or assembled the product (names): GMC ET AL

☒ Does 1 to 100  
b. ☒ designed and manufactured component parts supplied to the manufacturer (names): GMC ET AL

☒ Does 1 to 100  
c. ☒ sold the product to the public (names): Wobbel ET AL

☒ Does 1 to 100  
Prod. L-5. ☒ **Count Two—Negligence** of the following defendants who owed a duty to plaintiff (names): Viking ET AL

☒ Does 1 to 100  
Prod. L-6. ☒ **Count Three—Breach of warranty** by the following defendants (names): Wobbel, Viking, GMC

☒ Does 1 to 100  
a. ☒ who breached an implied warranty  
b. ☒ who breached an express warranty which was  
☒ written ☒ oral

Prod. L-7. ☐ The defendants who are liable to plaintiffs for other reasons and the reasons for the liability are  
☐ listed in Attachment-Prod. L-7 ☒ as follows: TREBLE Damage as Dependent Adult

PLD-PI-001(1)

SHORT TITLE: <u>Dunsmore v GMC, Lobel, Viking</u>	CASE NUMBER:
--	--------------

**CAUSE OF ACTION—Motor Vehicle**

(number)

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

Plaintiff (name): Darryl Dunsmore

MV- 1. Plaintiff alleges the acts of defendants were negligent; the acts were the legal (proximate) cause of injuries and damages to plaintiff; the acts occurred

on (date): 2007 Dec 3

at (place): East 5th St National City Ca 91950

**MV- 2. DEFENDANTS**

a. ☐ The defendants who operated a motor vehicle are (names):

☐ Does \_\_\_\_\_ to \_\_\_\_\_

b. ☐ The defendants who employed the persons who operated a motor vehicle in the course of their employment are (names):

☐ Does 1 to \_\_\_\_\_

c. ☒ The defendants who owned the motor vehicle which was operated with their permission are (names): Lobel et al

☐ Does \_\_\_\_\_ to \_\_\_\_\_

d. ☒ The defendants who entrusted the motor vehicle are (names): Viking et al

☒ Does 1 to 100

e. ☒ The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names): John June Does

☐ Does 1 to 100

f. ☒ The defendants who are liable to plaintiffs for other reasons and the reasons for the liability are  
☐ listed in Attachment MV-2f ☒ as follows:

The Defendants knowingly allowed  
A Defendant adult Per Penal Code 368 To operate on  
stolen defective product Resulting in a wrongful conviction

☐ Does \_\_\_\_\_ to \_\_\_\_\_

Page \_\_\_\_\_

Dunsmore v GMC & AL

Number Cause of Action - Fraud

Attachment to Complaint

FR-1 Plaintiff Darryl Dunsmore

Alleges That Defendant GMC, Lebel, Viking, ET AL  
On or about 2006-2007 defrauded plaintiff as follows

FR-2 ☒ intentional or Negligent Misrepresentation  
a. Defendant Made Representation of Material fact as follows  
that The Vehicle being sold was legal, safe free from  
Defect or un Authorize workmanship  
b. These representations were in fact false The truth  
was as follows

The Vehicle was manufactured with Defective parts  
stolen, and illegal with un Authorized parts or workman  
ship performed on The product

c. When Defendant Made These representation  
☒ Defendant knew they were false or  
☒ Defendant had No reasonable ground for believing The  
Representations were true

d. Defendant Made the representations with The intent to  
defraud and induce plaintiff to act as Described in Item  
FR-5 At The time plaintiff acted plaintiff did not know  
The Representations were false and believed they were true  
Plaintiff acted in justifiable reliance upon The truth of  
The Representations



Short title

Case

Donsmore v BMC, Local, Viking et al

### Cause of Action - Fraud

#### FR 3 ☒ Concealment

a. Defendant Concealed or Surpressed Material Facts as follows

That The Vehicle was stolen, illegal with ~~Defective~~ Parts or UN Authorized workmanship

b. Defendant Concealed or Surpressed Material Facts

☒ Defendant was bound to Disclose

☒ by telling plaintiff other facts to Mislead Plaintiff and prevent plaintiff from Discovering The Concealed or Surpressed Facts

c. Defendant Concealed or Surpressed These Facts with the intent to Defraud and induce plaintiff to act as Described in ITEM FR-5 At The time Plaintiff acted plaintiff was unaware of The Concealed or Surpressed Facts and would not have taken the action if plaintiff had known The Facts

Short Title  
Dunsmore v GMC et al

Case #

Number

Cause of Action - Fraud

FR-4 ☒ Promise without intent to Perform

A. Defendant Made a promise about a Material Matter with out any intation of Performing it FR 4(a) as follows that The Vehical was safe from Defect, Part or Poor Workmanship and Legal

b. Defendants promise without any intention of Performing it was made with the intat to defraud and induce plaintiff to rely upon it and to act upon it as Described in Item FR-5 At The time plaintiff acted plaintiff was unaware of Defendants intation not to Perform the promise Plaintiff acted in Justifiable reliance upon The Promise

FR-5 ☒ The Justifiable reliance upon Defendants Conduct Plaintiff was induced to act as follows

To operate an unsafe Vehical That was Stolen with Defective parts and unauthorized workmanship,

FR-6 ☒ Because The plaintiff reliance upon Defendant Conduct Plaintiff has been Damaged as follows wrongful Conviction, Lost Property, Emotional Distress Personal injury, Lost Future Earnings

SHORT TITLE:

Dunsmore v GMC ET AL

CASE NUMBER:

## CAUSE OF ACTION—General Negligence

Page \_\_\_\_\_

(number)

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): Daryl Dunsmore

alleges that defendant (name): GMC, LOBEL, VIKING

☐ Does 1 to 100

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): 2007

at (place): Viking insurance lobel financial

(description of reasons for liability):

The Defendants willfully or negligently sold and insured a Motor Vehicle to the plaintiff that they should have known was manufactured with defective parts by Defendant GMC or that a duplicate title existed and that the vehicle was possibly stolen and unauthorized workmanship or parts were involved and failed report such issues to authorities placing plaintiff at risk of injury and death or other liabilities that resulted on Dec 3 2007 in the form of an accident and wrongful conviction and that the defendant caused personal injury to a dependent adult with in the meaning of Penal Code 368 and continue to cover these facts and cause plaintiff to be held incarcerated and wrongfully convicted

SHORT TITLE:

Dunsmore v GMC ET AL

CASE NUMBER

CAUSE OF ACTION—Intentional Tort

Page \_\_\_\_\_

(number)

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

IT-1. Plaintiff (name): Darryl Dunsmore

alleges that defendant (name): GMC, Label, Viking ET AL

☐ Does 1 to 100

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff

on (date): Dec 3 2007

at (place): East 5TH ST

(description of reasons for liability):

The Defendants willfully Manufactured or Sold knowingly Defective Vehicles Manufactured with Defective Parts The Defendants knew of should have known the Vehical had Defective Parts when Sold To plaintiff because a Duplicate title existed the Defendants further sold and INSURED The Vehical knowing it was STolen and possibly Defective workmanship or Parts were involved upon such knowledge willfully Sought to Cover up such information and failed to contact authorities Resulting in Plaintiffs injuries and wrongful Conviction

SHORT TITLE:

Dunsmore v GMC ST AL

CASE NUMBER:

Exemplary Damages Attachment

Page

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

EX-1. As additional damages against defendant (name): Lobel, V. King et al

Plaintiff alleges defendant was guilty of

- ☒ malice  
☒ fraud  
☒ oppression

as defined in Civil Code section 3294, and plaintiff should recover, in addition to actual damages, damages to make an example of and to punish defendant.

EX-2. The facts supporting plaintiff's claim are as follows:

The Defendants knew or should have known that the Vehicle was Defective and Manufactured with Defective parts and that a Duplicate Title existed and or that the Vehicle may have stolen Defective parts, Mechanical Problems or other Defects and that Defendants willfully and fraudulently covered up these facts or failed to Disclose Resulting in personal injury, loss of Property, incarceration, wrongful Conviction and that the Defendant knew the plaintiff was a Dependant adult that they have oppressed the plaintiff by withholding exculpatory evidence to oppress the plaintiff and keep him incarcerated and wrongly Convicted

EX-3. The amount of exemplary damages sought is

- a. ☐ not shown, pursuant to Code of Civil Procedure section 425.10.  
b. ☒ \$ Triple Damage

Page 1 of 1

Code of Civil Procedure, § 425.12  
www.courtinfo.ca.gov

Darryl Dunsmore

AD6237 G-1-14

PO Box 2000

Vacaville Ca 95696

Pro Se

received JUL 15 2015  
Clerk of the Superior Court

IN THE SUPERIOR COURT STATE OF CALIFORNIA  
COUNTY OF SOLANO

Darryl Dunsmore  
Plaintiff  
✓

Case FCSD45638

GMC, LOBEL VIKING ETAL  
Defendants

Attachments in support  
of UNLIMITED CIVIL  
Action

Attachment (A)

Viking insurance policy - - - - - 1 page

Attachment (b)

Western General insurance Policy - - - - - 1 Page

Attachment (c)

Correspondence with insurance - - - - - 16 Pages

1 of 7

Attachment (d)

correspondence Colbel Financial - - - 1 Page

Attachment (e)

Correspondence General Motors Corp - - - 1 Page

Attachment (f)

Claim estimate - - - - - 35 Pages

Attachment (g)

Value scope Market report - - - - - 16 pages

Table of Contents

Civil Complaint - - - - - 14 Pages  
TRO Motion - - - - - 3 Pages  
order to Show Cause - - - - - 2 Page  
Letter to Clerk.  
for Motion hearing Date - - - - - 1 Page  
Declaration in support of TRO - - - - - 1 Page

6/12/15

5/28/15 D/D

2062

GMC

Service Request # 7#-1475390686

RE: Correspondance May 14 2015

Darryl Dunsmore AD6237

G-2-224 P.O. Box 2000

Vacaville Ca 95696

Because of The Failure of My GMC Vehical  
I am unable to Correspond by telephone as I  
have been wrongly Guivicted behind The Mechanical  
Failure of My Vehical and am in prison Seeking  
Exculpatory evidence supporting The Defective  
Parts That My Vehical was Manufactured with  
I have been forced to file Civil litigation  
and request That This correspondance be forwarded  
to your Legal Dept for processing of Discovery  
and interrogatories

5/29/15



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

DATE 5-9-08 AT 9:00 A M. HON. THEODORE M. WEATHERS JUDGE DEPT. 41  
MH# 102411 CASE# CS218128 CS215653 M042269  
PROS.# BBA96501 BBA01401 MISD  
CLERK GLORIA CARRILLO REPORTER RITA OTERO CSR# 3313  
REPORTER'S ADDRESS: PO BOX 120128, SAN DIEGO, CA 92112-0128

IN THE MATTER OF

**DARRYL DUNSMORE**  
**AKA: DARRYL LEE DUNSMORE**

**DAVID WILLIAMS, DDA & K. WESTFALL, DCA**  
DEPUTY COUNTY COUNSEL/DEPUTY DISTRICT ATTORNEY

**SELENA EPLEY - PUB DEF**  
ATTORNEY (APPOINTED/RETAINED)

INTERPRETER \_\_\_\_\_ SWORN/CERT \_\_\_\_\_ LANGUAGE \_\_\_\_\_

TYPE OF PROCEEDING

- ☒ DETERMINATION OF MENTAL COMPETENCY (PC1368/1372) ☐ DEVELOPMENTALLY DISABLED PETITION (WI 6500)  
☐ OTHER ☐ MOTION TO REMOVE FIREARM PROHIBITION (WI 8103)

- ☐ OFF CALENDAR ☐ CONTINUED for ☐ further investigation ☐ forensic exam ☐ Dr.'s testimony ☐ \_\_\_\_\_  
☐ Defendant's presence waived based on Counsel/Medical representations.  
☐ Jury trial requested for PC 1368 proceeding.  
☒ Counsel stipulate: report received into evidence; Dr. DAVID NAIMARK is qualified; and doctor's presence waived.  
☐ Dr(s). \_\_\_\_\_ sworn and examined.

AFTER HEARING PURSUANT TO PC 1368/1372/1385:

- ☐ Court finds defendant IS mentally competent to stand trial; orders that criminal proceedings are reinstated; remands Defendant to Superior Court, see Future Dates below.

CUSTODY STATUS: Defendant REMANDED to custody of Sheriff. Court reinstates bail in amount of ☐ \$ \_\_\_\_\_ ☐ NO BAIL.  
☐ Trailing Cases: Case# \_\_\_\_\_ Bail \$ \_\_\_\_\_ Case# \_\_\_\_\_ Bail \$ \_\_\_\_\_.

- ☒ Court finds defendant IS NOT mentally competent to stand trial; orders defendant committed/returned to:  
☒ Patton State Hospital ☐ County Jail, PSU ☐ Las Colinas, PSU ☐ Other \_\_\_\_\_  
For: ☒ Maximum term of 3 ☐ Mos ☒ Yrs. Credit Time Served 56 days. ☐ Remainder of previously imposed term.  
Maximum sentence for most serious charge is 4 ☐ months ☒ years. ☒ Clerk to notify Registrar of Voters.  
☐ Defendant consents to the administration of antipsychotic medication.  
☒ Court authorizes the treatment facility (to include San Diego County Jail's Psychiatric Security Units and Patton State Hospital) to involuntarily administer antipsychotic medication to the defendant when and as prescribed by the defendant's treating psychiatrist. (See Commitment Order)  
☐ Court does not authorize the treatment facility to administer antipsychotic medication to the defendant involuntarily.  
☐ Court orders criminal charges dismissed pursuant to PC 1370.2. Defendant RELEASED on Case(s) \_\_\_\_\_.

AFTER HEARING PURSUANT TO WI 6500:

- ☐ Court finds RESPONDENT has been a resident of the State of California for more than one year; is mentally retarded; and is a danger to self or others. Petition GRANTED. Court orders RESPONDENT placed, for a period of no longer than one year:  
☐ with the STATE DEPARTMENT OF DEVELOPMENTAL SERVICES ☐ in a BOARD AND CARE FACILITY  
☐ in an OPEN TREATMENT FACILITY ☐ in INDEPENDENT LIVING  
which the court finds to be the least restrictive type of residential placement necessary to achieve the purposes of treatment; and which is proper and adequate for the protection and safety of others and the welfare of the respondent.  
☐ Court finds RESPONDENT IS NOT within the scope of WI 6500, et seq. Petition DENIED.

AFTER HEARING PURSUANT TO WI 8103: ☐ Motion DENIED. ☐ Motion GRANTED, firearm prohibition is removed. ☐ DOJ notified.

- ☒ OTHER: Court orders deft. to be seen by appropriate dr's. in jail for his medical cond as stated by Dr. S. Hennigan dated 05-01-08. SDSO specifically ordered to address any and all orthotic needs. The Court suspends crim. procdngs on M042269.

FUTURE DATES:

- ☐ Continued for reasons noted above to \_\_\_\_\_ at \_\_\_\_\_ in Dept. \_\_\_\_\_.  
☐ Forensic examination in Room 1003 on \_\_\_\_\_ at \_\_\_\_\_.  
**SHERIFF ORDERED TO PRODUCE DEFENDANT**  
Case(s) set in ☐ Central ☐ North County ☐ East County ☐ South County Division for:  
☐ Readiness on \_\_\_\_\_ at \_\_\_\_\_ in Dept. \_\_\_\_\_. ☐ Preliminary Exam on \_\_\_\_\_ at \_\_\_\_\_ in Dept. \_\_\_\_\_.  
☐ Further Proceedings on \_\_\_\_\_ at \_\_\_\_\_ in Dept. \_\_\_\_\_. ☐ \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_ in Dept. \_\_\_\_\_.  
☐ OTHER:

Attest a true copy. Dated: 05-09-08 CLERK, by g. carrillo, Deputy Clerk  
Distribution by: 5 gac ☐ Jail ☐ Deft. ☐ Atty ☐ Pros. ☐ Prob. ☐ Other: \_\_\_\_\_

**SECTION 1** Complete this information to request medical attention.

Print Name: Darryl Donsmore Bkg #: 9701989 Housing Unit: 6C DOB: 9/12/67

I am requesting ☐ Medical Services ☐ GBDF ☐ EMDF ☐ VDF  
☐ Mental Health Services ☒ SDCJ ☐ LCDF ☐ Other  
☒ Dental Services ☐ DDF ☐ SBDF

Reason for request for health services: Another Bridge Broke on other side making it difficult to eat

I authorize and request the San Diego County Sheriff's Medical and Mental Health Services, its physicians, psychiatrists, dentists contracted agents, and medical personnel to administer and perform any and all medical and dental examinations, treatments, and diagnostic procedures deemed advisable or necessary.

I understand that the Sheriff's Department shall charge me \$3.00 for any routine sick call visit that I initiate and that this charge will be deducted from my account during the current or future stays in jail. I also understand that I shall not be denied medical care if I am unable to pay the \$3.00 fee.

Signed: [Signature] Date: 9/1/19

**SECTION 2**

**FOLLOW-UP INFORMATION**

(This section is to be completed by Medical Staff Only)

Charge: ☐ Yes ☐ No

Authorized signature \_\_\_\_\_ ID# \_\_\_\_\_ Date: \_\_\_\_\_ Charge posted by \_\_\_\_\_ Date \_\_\_\_\_

If no charge, explain: \_\_\_\_\_ Amount collected: ☐ \$3.00 ☐ \$ \_\_\_\_\_

**SECTION 3**

Date Request Received: \_\_\_\_\_

Date Seen: AUG 31 2009

1. ☐ SEEN IN HUR ☐ Chart reviewed
2. ☐ NOT SEEN DUE TO: ☐ Court ☐ Visit ☐ Released ☐ No Show/Refused ☐ Other ☐ Rescheduled
3. ☐ Non-medical problem referred to: \_\_\_\_\_
4. ☐ Seen previously for same non-medical request, (tennis shoes, blankets, etc.). No further evaluation.
5. ☐ NO FURTHER COMPLAINTS. Patient advised to submit another Sick Call Request Slip if problem recurs.

"S"ubjective  
Chief Complaint: \_\_\_\_\_

"O"bjective: You are scheduled to see the dentist.

"A"ssessment Nursing Diagnosis: \_\_\_\_\_

"P"lan: ☐ Rx GIVEN as per SNP  
☐ SCHEDULED FOR SICK CALL WITH: ☐ MD ☐ RN ☐ NP ☐ DDS  
☐ Psych/Mental Health Specialist  
☐ Other \_\_\_\_\_

☐ PATIENT EDUCATION AND ADDITIONAL INFO: \_\_\_\_\_

SIGNATURE: [Signature] ID# 7875

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT  
MEDICAL SERVICES DIVISION  
SICK CALL REQUEST

☐ DDF ☐ GBDF/EMDF ☐ LCDF ☐ SBDF ☐ SDCJ ☐ VDF

Patient's Name: \_\_\_\_\_

D.O.B: \_\_\_\_\_



--	--	--	--	--	--	--	--

		-			-		
--	--	---	--	--	---	--	--

**SECTION 1** Complete this information to request medical attention.

Print Name: Darryl Dunmore ID# 9701989 Housing Unit: 6C DOB: 9/12/67

I am requesting ☐ Medical Services ☐ GBDF ☐ EMDF ☐ VDF  
☐ Mental Health Services ☒ SDCJ ☐ LCDF ☐ Other  
☒ Dental Services ☐ DDF ☐ SBDF

Reason for request for health services: IN Pain Need Tooth Removed

I authorize and request the San Diego County Sheriff's Medical and Mental Health Services, its physicians, psychiatrists, dentists contracted agents, and medical personnel to administer and perform any and all medical and dental examinations, treatments, and diagnostic procedures deemed advisable or necessary.

I understand that the Sheriff's Department shall charge me \$3.00 for any routine sick call visit that I initiate and that this charge will be deducted from my account during the current or future stays in jail. I also understand that I shall not be denied medical care if I am unable to pay the \$3.00 fee.

Signed: [Signature] Date: 7/14/09

**SECTION 2**

**FOLLOW-UP INFORMATION**

(This section is to be completed by Medical Staff Only)

Charge: ☐ Yes ☐ No

Authorized signature \_\_\_\_\_ ID# \_\_\_\_\_ Date: \_\_\_\_\_ Charge posted by \_\_\_\_\_ Date \_\_\_\_\_

If no charge, explain: \_\_\_\_\_ Amount collected: ☐ \$3.00 ☐ \$ \_\_\_\_\_

JUL 16 2009

**SECTION 3**

Date Request Received: \_\_\_\_\_ Date Seen: \_\_\_\_\_

1. ☐ SEEN IN HUR ☐ Chart reviewed
2. ☐ NOT SEEN DUE TO: ☐ Court ☐ Visit ☐ Released ☐ No Show/Refused ☐ Other \_\_\_\_\_ ☐ Rescheduled \_\_\_\_\_
3. ☐ Non-medical problem referred to: \_\_\_\_\_
4. ☐ Seen previously for same non-medical request, (tennis shoes, blankets, etc.). No further evaluation.
5. ☐ NO FURTHER COMPLAINTS. Patient advised to submit another Sick Call Request Slip if problem recurs.

"S"ubjective

Chief Complaint: The pain meds you are on should cover your dental pain

"O"bjective: until seen by medical/dental.

"A"ssessment Nursing Diagnosis: PN6895

"P"lan: ☐ Rx GIVEN as per SNP

☐ SCHEDULED FOR SICK CALL WITH: ☐ MD ☐ RN ☐ NP ☐ DDS  
☐ Psych/Mental Health Specialist  
☐ Other \_\_\_\_\_

☐ PATIENT EDUCATION AND ADDITIONAL INFO: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ ID# \_\_\_\_\_

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT  
MEDICAL SERVICES DIVISION  
SICK CALL REQUEST

☐ DDF ☐ GBDF/EMDF ☐ LCDF ☐ SBDF ☐ SDCJ ☐ VDF

Patient's Name: \_\_\_\_\_

D.O.B: \_\_\_\_\_



Form J212 Rev 11/01

--	--	--	--	--	--	--	--

Booking Number

		-			-		
--	--	---	--	--	---	--	--

Date (MM-DD-YY)

Exh. b. Pg 70 of 81

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO  
 COUNTY COURTHOUSE, 220 W. BROADWAY, SAN DIEGO, CA 92101-3814  
 SOUTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081-5695  
 NORTH COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020-3941  
 SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910-5649

PEOPLE OF THE STATE OF CALIFORNIA  
 VS.

PLAINTIFF.

RYL DUNSMORE  
 VS: DARRYL LEE DUNSMORE

DEFENDANT

ORDER FINDING DEFENDANT MENTALLY COMPETENT  
 (PC 1370)

FOR COURT USE ONLY

FILED

MICHAEL M. RODDY  
 Clerk of the Superior Court

January 26, 2009

By [Signature], Deputy

MH MH 102411

CRIMINAL CASE NUMBER MO422609  
 CS 218128 01; CS 215653 01

BBA96501; BBA01401

the defendant having been charged with the crime(s) of Charge [Allegation] (Priors);  
 PC12022.1(b); PC273.6(a) (PC667(a)(1)); PC245(a)(1) [PC1192.7(c)(23); PC12022.7(a)] {PC1203(e)(4); PC667.5(b);  
 PC37(a)(1), 668; PC667(b)-(i)/1170.12; PC273.6(a); PC422; PC653m(a)}  
 doubt having arisen as to the defendant's mental competency during the pendency of the proceedings, and the  
 defendant having been certified to the Superior Court for a determination of the question; the matter having come before the  
 court this date, therefore,

After examination and hearing, consideration of testimony and written reports of the examiners, the Court finds the  
 defendant mentally competent.

IT IS ORDERED that the defendant be remanded to the San Diego Superior Court, South County Division, the court in which  
 initial charges are pending.

Bring type READINESS CONFERENCE on 1-29-09 at 8:30AM. in Department 16.

Additional Hearing: Hearing type PRELIMINARY HEARING on 2-4-09 at 8:30AM. in Department 16.

IT IS FURTHER ORDERED that the Sheriff of San Diego County deliver the defendant to said hearings.

Date: January 26, 2009

[Signature]  
 HONORABLE FREDERICK MAGUIRE Judge of the Superior Court

EPLEY, SELENA

CLERK'S CERTIFICATE

The foregoing is a full, true and correct copy of the original on  
 file in this office.

MICHAEL M. RODDY  
 CLERK OF THE SUPERIOR COURT

by [Signature], DeputyDate: 1-26-09

ORDER FINDING DEFENDANT MENTALLY COMPETENT

Page 178 of 143

00007

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</b>		<b>FOR COURT USE ONLY</b>	
<input checked="" type="checkbox"/> COUNTY COURTHOUSE, 220 W. BROADWAY, SAN DIEGO, CA 92101-3814 <input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92083-6695 <input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020-3941 <input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910-5649		<b>F I L E D</b>	
PEOPLE OF THE STATE OF CALIFORNIA VS. DARRYL DUNSMORE AKA: DARRYL LEE DUNSMORE		MICHAEL M. RODDY Clerk of the Superior Court	
PLAINTIFF,  DEFENDANT		May 09, 2008  By _____, Deputy	
JUDGMENT OF MENTAL INCOMPETENCY AND ORDER FOR COMMITMENT (Penal Code 1370 & 1372(a)(2))		MH MH 102411 CRIMINAL CASE NUMBER <i>M 042269</i> CS 218128 01; CS 215653 01 BBA96501; BBA01401; <i>msd</i>	

The above case came on regularly for hearing this date. Based upon the evidence presented the Court finds that the defendant is mentally incompetent.

The Court further finds:

- ☐ Antipsychotic medication may be given to the defendant as prescribed by a treating psychiatrist pursuant to the defendant's consent. If the defendant refuses to or withdraws consent for antipsychotic medication, after the treating psychiatrist complies with the provisions of this code, the defendant shall be returned to court for a hearing regarding whether antipsychotic medication shall be administered involuntarily.
- ☒ The defendant lacks capacity to make a decision regarding antipsychotic medication. The defendant's mental disorder requires medical treatment with antipsychotic medication, and if the defendant's mental disorder is not treated with antipsychotic medication, it is possible that serious harm to the physical or mental health of the patient will result.
- ☐ The defendant is a danger to others in that the defendant has inflicted, attempted to inflict, or made a serious threat of inflicting substantial physical harm on another while in custody; or the defendant had inflicted, attempted to inflict, or made a serious threat of inflicting substantial physical harm on another that resulted in his or her being taken into custody; and the defendant presents, as a result of mental disorder or mental defect, a demonstrated danger of inflicting substantial physical harm on others.
- ☐ The people have charged the defendant with a serious crime against the person or property of another; involuntary administration of antipsychotic medication is substantially likely to render the defendant competent to stand trial; the medication is unlikely to have side effects that will interfere with the defendant's ability to understand the nature of the criminal proceedings or to assist counsel in the conduct of a defense in a reasonable manner; less intrusive treatments are unlikely to have substantially the same results; and antipsychotic medication is in the patient's best medical interest in light of his or her medical condition.

WHEREFORE, IT IS ORDERED that said defendant is committed to Patton State Hospital, or such other institution as may be directed by the Director, State Department of Health, for care and treatment until such time as provided by law or until further order of the Court.

The Sheriff shall redeliver the defendant to the court without any further order from the court upon receiving from the state hospital or treatment facility a copy of a certificate of restoration.

The maximum sentence on the most serious offense is 4 YEARS. Commit to Patton State Hospital for 3 YEARS. Defendant is to be given credit for time served of 56 days.

Date: May 09, 2008

*Theodore M. Weathers*  
HONORABLE THEODORE M. WEATHERS Judge of the Superior Court

Atty: EPLEY, SELENA  
Sheriff (2)  
D  
Left  
Sup(2)  
Patton



CLERK'S CERTIFICATE

The foregoing is a full, true and correct copy of the original on file in this office.

MICHAEL M. RODDY  
CLERK OF THE SUPERIOR COURT

Date: \_\_\_\_\_ by \_\_\_\_\_, Deputy

**SECTION 1** Complete this information to request medical attention.

Print Name: Darryl Donsmore Bkg #: 9701989 Housing Unit: 6C DOB: 9/12/67

I am requesting ☐ Medical Services ☐ GBDF ☐ EMDF ☐ VDF  
☐ Mental Health Services ☒ SDCJ ☐ LCDF ☐ Other  
☒ Dental Services ☐ DDF ☐ SBDF

Reason for request for health services: for Oragel until Tostin can be pulled

I authorize and request the San Diego County Sheriff's Medical and Mental Health Services, its physicians, psychiatrists, dentists, contracted agents, and medical personnel to administer and perform any and all medical and dental examinations, treatments, and diagnostic procedures deemed advisable or necessary.

I understand that the Sheriff's Department shall charge me \$3.00 for any routine sick call visit that I initiate and that this charge will be deducted from my account during the current or future stays in jail. I also understand that I shall not be denied medical care if I am unable to pay the \$3.00 fee.

Signed: [Signature] Date: 7/22/09

**SECTION 2**

**FOLLOW-UP INFORMATION**

(This section is to be completed by Medical Staff Only)

Charge: ☐ Yes ☐ No

Authorized signature \_\_\_\_\_ ID# \_\_\_\_\_ Date: \_\_\_\_\_ Charge posted by \_\_\_\_\_ Date \_\_\_\_\_

If no charge, explain: \_\_\_\_\_ Amount collected: ☐ \$3.00 ☐ \$ \_\_\_\_\_

**SECTION 3**

Date Request Received: \_\_\_\_\_

Date Seen: \_\_\_\_\_

1. ☐ SEEN IN HUR ☐ Chart reviewed
2. ☐ NOT SEEN DUE TO: ☐ Court ☐ Visit ☐ Released ☐ No Show/Refused ☐ Other \_\_\_\_\_ ☐ Rescheduled \_\_\_\_\_
3. ☐ Non-medical problem referred to: \_\_\_\_\_
4. ☐ Seen previously for same non-medical request, (tennis shoes, blankets, etc.). No further evaluation.
5. ☐ NO FURTHER COMPLAINTS. Patient advised to submit another Sick Call Request Slip if problem recurs.

"S"ubjective

Chief Complaint: \_\_\_\_\_

"O"bjective: \_\_\_\_\_

"A"ssessment Nursing Diagnosis: \_\_\_\_\_

"P"lan: ☐ Rx GIVEN as per SNP

☒ SCHEDULED FOR SICK CALL WITH:

☐ MD ☒ RN ☐ NP ☐ DDS  
☐ Psych/Mental Health Specialist  
☐ Other \_\_\_\_\_

☐ PATIENT EDUCATION AND ADDITIONAL INFO: \_\_\_\_\_

SIGNATURE: [Signature] ID# 3575

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT  
MEDICAL SERVICES DIVISION  
SICK CALL REQUEST

☐ DDF ☐ GBDF/EMDF ☐ LCDF ☐ SBDF ☐ SDCJ ☐ VDF

Patient's Name: \_\_\_\_\_

D.O.B: \_\_\_\_\_

--	--	--	--	--	--	--	--

Booking Number

--	--	--	--	--	--	--	--

Date (MM-DD-YY)



SAN DIEGO COUNTY SHERIFF'S DEPARTMENT  
DETENTION FACILITIES

C-14

INMATE REQUEST  
(PETICION DEL REO)

SECTION I Complete the following information: (Llene la siguiente información)

Facility: ☐ CDF ☒ DDF ☐ EMDF ☐ GBDF ☐ LCDF ☐ SBDF ☐ VDF  
(Carcel)  
Name: Darryl Dunsmore  
(Nombre)  
Booking #: 9701989 Date of Birth: 9/12/67 Housing Unit: 6C  
(Número) (Fecha de Nacimiento) (Locación)

SECTION II Refer to instructions on the back of this form. Select one of the following:  
Refierase a las instrucciones al revés de esta forma. Seleccione uno de los siguientes.

I have a Request for the following:  
(Tengo una Petición a lo siguiente):

Counselor

Need Address To where  
Sheriff Kullender, Bill Gore  
Receive Mail  
Thank You

Signature: DJD  
(Firma)

Date and Time: 7/23/09 3PM  
(Fecha y hora)

SECTION III RESPONSE BY DETENTION FACILITY STAFF ONLY

Forwarded to: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Sheriff's Administration Center

9621 Ridgeway CT.

San Diego CA 92123-2222

Completed by: \_\_\_\_\_ Date: \_\_\_\_\_



### INSTRUCTIONS FOR USE OF THIS FORM

1. REQUESTS

You may use this form when you have a request that has not been satisfied by speaking with the housing deputy.

### INSTRUCCIONES PARA EL USO DE ESTA FORMA

1. PETICIONES

Usted puede usar esta forma cuando tenga algún problema o petición que no fué resuelta por el Deputy de Piso.

*[Handwritten signature]*





JIMS - E000008

09-50026-mg

Doc 13499

Filed 10/02/15

Entered 10/13/15 12:48:45

Main Document Page: 1 of 2

Detention Services - Sheriff Facilities

Inmate Grievance Report

Grievance # 94002062



Run Date: 22-DEC-2009

Run Time: 07:42

Grievance Num: 94002062 Grievance Dt: 18-DEC-09 Booknum: 9701989 DUNSMORE, DARRYL

Subject1: OTHR

Subject2:

Subject3:

Subject4:

Fac: 1 Area: 7 Hu: B Location: SDCJ 7B

**Summary:** Inmate grievance is complaining about the time he is released from disciplinary isolation/lockdown status. Inmate believes he should be released at 0230 hours, instead of the hearing report time of 2300 on 12-18-09 #94024402

Action Dt: 18-DEC-09 Action Ofcr Name: LATIMER

Action Taken: I asked Sgt Storton to print up the hearing report from Sgt. Zucker. I gave the inmate the hearing report and explained the situation to the inmate.

Narrative Text:

N/A